United Nations

CEDAW/C/POL/4-5

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
13 December 2004

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined fourth and fifth periodic reports of States parties

Poland*

---

* The present report is being issued without formal editing.
For the initial report submitted by the Government of Poland, see CEDAW/C/5/Add.31, which was considered by the Committee at its sixth session. For the second periodic report submitted by the Government of Poland, see CEDAW/C/13/Add.16, which was considered by the Committee at its tenth session. For the third periodic report submitted by the Government of Poland, see CEDAW/C/18/Add.2, which was considered by the Committee at its tenth session.

The Government of the Republic of Poland, being a party to the Convention on the Elimination of All Forms of Discrimination against Women, pursuant to Article 18 of the Convention, hereby submits, the 4th and 5th combined reports on the application of the Convention in legislation and practice

The 4th report covers the period between 1st June 1990 and 31st May 1994.
The 5th report covers the period between 1st June 1994 and 31st May 1998.

On 18 June 1980 Poland ratified the Convention on the Elimination of All Forms of Discrimination against Women, expressing its reservations to Article 29 paragraph 1. After the country's political transformation, all reservations concerning Poland's conformity with international jurisdiction were on 30 April 1997 withdrawn from all agreements, including from the Convention on the Elimination of All Forms of Discrimination against Women.[1]

In submitting this report, the Republic of Poland avails itself of the opportunity, offered by the CEDAW Committee to states which have fallen in arrears with their periodic reports, to submit so-called combined reports. At the same time Poland wishes to emphasize that it lends its full and firm support to the provisions of the Convention and is ready to implement it. It will be noted that after 1989 Poland experienced a process of very profound political transformations crowned with the adoption in 1997 of a new Constitution. These changes had also impacted themselves on the structures and competence of state organs operating within the realm of promotion and protection of women's rights. Data collection and consolidation of information from central or local administration agencies, or from administration of justice institutions, indispensable for the appropriate drafting of reports, is a difficult and time-consuming process. Information related to the earlier period had not survived owing to the numerous and frequent institutional changes taking place in some government departments, and those which had were not properly gender segregated. On the other hand, Government reports prepared in the run-up to the VI Conference for Women in Beijing in 1995[2], as well as reports by non-governmental organizations constitute a rich source of relevant information.

---

[1] The Republic of Poland withdrew its reservations concerning the exclusion of the compulsory jurisdiction and arbitration of the International Court of Justice made upon the ratification of or accession to some international agreements (Journal of Laws 1998, No 33 item 177)

[2] The Polish Government's Report for the Regional Preparatory meeting of EKG before the Fourth World Conference for Women, Council of Ministers Office, Office of Government Plenipotentiary for Women and Family Affairs, Warsaw 1994; Report for the IV World Conference of the United Nations for Women – Beijing 1995, Government Plenipotentiary for Family and Women, Warsaw 1995.

CONTENTS

INTRODUCTION

Article 1. Definition of discrimination against women

Article 2. Obligations to eliminate discrimination

Article 3. The development and advancement of women

Article 4. Acceleration of equality between men and women

Article 5. Sex roles and stereotyping

Article 6. Exploitation of women

Article 7. Political and public life

Article 8. International representation and participation

Article 9. Nationality

Article 10. Education

Article 11. Employment

Article 12. Equality in access to health care

Article 13. Social and economic benefits

Article 14. Rural women

Article 15. Equality before the law and in civil matters

Article 16. Equality in marriage and family law

ANNEX

INTRODUCTION

The economic situation

1. The constitutional transformation Poland embarked upon at the beginning of the 1990s ushered in sweeping political, as well as fundamental economic and social changes. These played an essential role in international transformations as well, while the process of Poland's integration into the European Union assumed the proportions of an important instrument of domestic metamorphosis. An expression of this was the "Trade and economic agreement between Poland and the European Economic Community" signed as early as 19 September 1989. The directions of actions expected to adjust the Polish economy and the country's legal system to those of the European Communities were set out in the Europe Agreement, signed on 16 December 1991 which associated Poland with the European Communities and their member states. Poland's joining the Council of Europe in the same year bolstered its credibility on the international level. Then in 1994 Poland formally applied for membership of the European Union and in 1998 started formal accession negotiations. In 1995 Poland acquired the status of WTO founding member and in 1996 joined the Organization for Economic Cooperation and Development. Market-oriented economic reforms were set out in the Economic Stability Program. The Program witnessed, among other things that correct functioning of market mechanisms – indispensable for a proper functioning of an economy – called, above all, for its greater privatization, liberalization of prices, a free flow of goods, services and capital, as well as for the creation of efficient market and financial institutions. This position was further articulated by a number of laws and the Constitution itself.

2. A very important element of the reform was a thorough transformation of the labor market which set off macro- and microeconomic reactions. The overhaul of the country's economic system generated institutions necessary for its functioning under new conditions, and existing institutions were set along free market lines. A legal basis for these strivings was provided by the following new laws: the 28 December 1989 law "on detailed principles governing termination of labor contracts with employees for reasons related to the work establishment, and on amending certain laws" (Journal of Laws 1990, No 4 item 19 with subsequent amendments) and the 29 December 1989 law "on employment". New solutions in the area of redundancy procedures invoked by the work establishment brought in their wake a curtailment of certain anti-dismissal procedures enshrined in the Labor Code. The introduction of market mechanisms and institutional solutions resulted in a disappearance of both manpower shortages and the excessive demand for jobs – the two emblematic of the command economy – which had given way to excessive manpower supply and unemployment. The number of the unemployed kept growing fast, but was subject to vacillations caused by the growth rates recorded in the years 1990-1998.

3. The construction of a market economy in Poland involved an actual reconstruction and development of the money and capital market which was tantamount to an overhaul of the existing banking system and the creation of an institutional infrastructure. The National Polish Bank was given a new macroeconomic and systemic role. As the country's central bank, it had become responsible for regulating the currency in circulation, ensuring the stability of the financial system and delivering services allowing for the efficient operation of commercial banks then mushrooming across the country. Also many brand new institutions came into being at that time, to mention the Warsaw Stock Exchange, the National Depositary for Securities and brokerage houses. Considerable progress was registered in the creation and expansion of trust funds, as well as pension, insurance and investment funds.

4. Actions aimed at the creation of conditions conducive to the development of civil society marked an important stage of reforms in the period covered by this report. This was evidenced by the emergence of numerous social, trade union and charitable organizations, as well as by the reestablishment in 1990 of the bottom-level local government bodies (gminas). That marked the beginning of a process of division of tasks and competencies within the public administration and of a separation therefrom of the utilities sector. The gminas took over from the central government administration some of the public tasks associated with addressing local needs, the most important of these being the running of primary schools or pursuit of social welfare-related objectives. Then, the mid-nineties witnessed the strengthening of the competencies and finances of the biggest cities. However, by 1998 no further reforms had been undertaken to devolve powers to local communities above the gmina level.

5. One can distinguish three stages in the life of Poland's economy in the period covered by this report, namely, 1990-1991, 1992-1993 and 1994-1997. The years 1990-1991 were marked by an economic recession which was the consequence of an overly restrictive stability policy, pursued under the conditions of scarcity of institutional and structural reforms. The social and economic costs of decisions which had ushered in reforms in the first transformation years turned out to be quite high. Privatization had failed to deliver rapid demand-boosting results while the excessive liberalization of imports, including of highly subsidised foodstuffs, suppressed the demand for domestic products. Excessive attention to fiscal matters in dealing with state enterprises encumbered the latter with tax burdens out of proportion to their financial performance which to all practical purposes made impossible their development. Soaring mutual debts incurred by companies gave rise to so-called payment bottlenecks hampering economic activities. These processes had between them brought about an economic slump , with the gross domestic product shrinking by upwards of 14% in two years' time, and industrial production and investment outlays falling by 30% and 14% respectively. Of some importance for the country's developmental prospects was the signing by Poland an agreement on debt reduction and rescheduling with the Paris Club of government creditors in 1991

6. The recession was surmounted in the next period (1992-1993) when the Polish economy began to adjust better to the rules governing the market while the constitutional reforms delivered the first positive results. In 1993 the growth trends in the economy saw GDP rise by 6.5% over the 1991 level while industrial production and investment outlays went up by 9.4% and 2.7% respectively.

7. The year 1994 witnessed an economic upswing which went on for the next three years. This was the positive consequence of the earlier economic reforms which also consolidated the beneficial quantitative and qualitative changes across the economy. That was a period of consistent institutional transformations as well, while the restructuring of firms enhanced the adaptability of the entire economy paving the way in 1994 to signing an agreement with the London Club on the reduction and rescheduling of the Polish debt in foreign commercial banks.

That was why in the years 1994-1997 the economic growth rate in Poland assumed dynamism unmet with in any other country then undergoing transformation. Over a four-year span, GDP went up by 27% (on average 6.2% annually) with the concomitant shift in the factors fuelling that growth: individual consumption had given way to predominant investment-oriented demand and exports. At that time investment outlays across the economy kept growing on average by 16.5% annually with investments registering a rise from 17-18% to 23%. Direct foreign investments began to rise to a position of a significant factor mitigating the unwelcome consequences of accumulation across the economy. However, given the structure of the allocations (only negligible amounts of investment money were actually channeled into the industries highlighted as carriers of progress) only to a limited extent did foreign investments serve the modernization of manufacturing plant and the development of production branches requiring substantial input from the sciences.

8. The basic objective of Poland's transformation in the 1990s was an overhaul of the ownership structure of the economy to bring it closer to market-economy nations. Ownership transformation processes involving economic entities formed a path leading up to that objective. The development of existing and creation of new economic entities (the latter also known as "founder privatization"), as well as the privatization of state-owned companies – all this added up to the creation of a private sector. All told, privatization engulfed 244 companies owned by the State Treasury in the years 1990-1998; 1,699 applications were accepted for direct privatization, 1,612 privatization processes got off the ground and 1,572 programs were carried through. The number of companies about to close down under article 19 of the Act on State Enterprises topped the 768 mark, whereas 606 entities actually ended up in receivership. By 1998, the real estate of 1666 former state-owned farms had been taken over by Agricultural Property Stock of the State Treasury.

9. As a consequence of these processes, the percentage of people employed by the private sector rose from 49% in 1990 to 71% in 1998. Furthermore, the private sector accounted for, respectively, 31% and 70% of GDP in the reporting period while its share of investment outlays rose from 35% to 58%. Building and construction materials production and retail sale thereof had been almost entirely (95%) privatized by 1998, the figures for 1990 having been 42% and 64%. The years in question saw a manifold rise of the private sector's share of the trade turnover: in exports and imports it shot up from 5% to 79% and from 14% to 87% respectively. It will be stressed that in the late 90's agriculture was almost entirely in private hands. On the other hand, the public sector remained predominant in mining, metallurgy, power generation, gas extraction and rail transport.

10. Poland's banks underwent profound restructuring and privatization, benefiting from a considerable involvement of foreign capital, represented primarily by strategic investors. Polish investors participated in the transformation process on a limited scale.

11. Curbing inflation - the phenomenon responsible for wrecking the economy in the run-up to transformation – became an economic policy priority objective in the period covered by this report. In 1989 prices in Poland grew almost 6.5-fold. In 1992 the rate of inflation was reduced to 44% as a consequence of the radicalization in the early 90's of the stability program. In 1995 the prices in Poland grew by no more than 22%, and in 1997 by 13%. In 1998 figure was 8.6%.

12. In the years 1990-1998, the transformation process in Poland produced simultaneously two phenomena on the labor market: a decline in the number of people in gainful employment and large-scale, lasting unemployment. The latter affected to the same extent the industrial working class and teachers, health service workers and cultural workers. It was caused primarily by the process of adjustment of the volume and structure of employment of the day to the requirements and conditions of the market economy and – at the initial stage of the transformation – by a deep economic recession. Subjecting the economy to the rigours of the market, the growth of international competition and processes related to the country's integration into the European Union forced the pace of diverse structural transformations across the Polish economy which produced specific results on the labor market.

13. When analyzing different processes unfolding on the labor market one cannot miss two periods, namely, those of 1990-1993 and 1994-1997. The first one was characterized by a considerable fall in employment accompanied by a growth of unemployment. The number of national economy employees (excluding those on the payroll of public-owned defense and security industry entities) dropped from 17,389,000 in late 1989 to 14,761,000 in late 1993, that is to say, by 2,628,000 (15.1%). The number of women in gainful employment in the reporting period dropped by 13.1%. Simultaneously, the number of the unemployed had grown by 2,890,000 by the end of 1993 while the unemployment rate had reached 16.4% (in late 1990 it accounted for just 6.5%)

14. The buds of growth which had appeared in the country in 1992 delivered beneficial, if somewhat delayed, changes to the market. However, these processes were out of proportion to one another, for in the years 1994-1997 the labor force grew by 1,114,000, in other words by 7.5%, while GDP in the reporting period rose by 27%. On the other hand, the number of women in gainful employment grew by 5.8%. That growth in the number of people in employment was accompanied by a conspicuous fall in the number of the unemployed – by as many as 1,064,000 people, 404,000 of them women while the percentage of those out of work had shrunk to 10.3% in 1997. In addition to the high growth rate recorded in those days, that effect was produced by new, more rigorous unemployment criteria, labor exchanges becoming more committed to disciplining the unemployed into seeking ways out of dependency, a slow-down in the economic restructuring processes and brakes applied to redundancies. In the second half of 1998 these positive trends on the labor market conceded defeat to both external and internal circumstances. Not without significance in this context was Europe's highest growth of the number of employable people (by about 200,000 people a year) registered in this country.

15. In the years of transformation Poland was plagued by structural unemployment caused primarily by developmentally disproportionate economy sectors, including at a local level, and the mismatch of labor demand and skills supply. That type of unemployment was further characterized by pronounced diversification of particular worker groups. What is more, women happened to be more in danger of losing work than men, and when they lost it, they stayed in unemployment much longer than the men as employers were more eager to employ the latter. Unemployed women also happened to be younger than their male counterparts - and better educated, the percentage of those with, to say the least, secondary education certificates being among them much higher than among men. Other important characteristics of the period included long-term unemployment (40% of all unemployed had unsuccessfully hunted for jobs for more

than a year, and about 50% of unemployed women), high levels of unemployment among young and low-skilled people, and a mismatch of job vacancies and available skills.

16. It will be remembered that in the initial period marking the introduction of a free market economy in Poland, harmonization-related activities were accompanied by a recession which drastically curbed consumption. Then, a slow process of restoration of real income and consumption levels across the nation, amidst growing differences in the levels of wealth of the population, triggered negative attitudes among many social and professional communities to reforms. Principally to blame for that, however, were the inequitable distribution of income, plus a diversified access to social and medical services and education first and foremost.

17. The 1990s witnessed a host of changes in the levels of income of the population, and these were more diverse than both the individual and group consumption patterns of the day. The year 1990 registered the sharpest fall in the average real income (by more than 24% below the 1989 level). This trend was halted and reversed in 1994, albeit the growth of average real income in no way compensated for the decline of 1990-1993. The levels recorded in 1994 represented 94.6% (net result) of the 1990 figure. However, 1994 ushered in a period of accelerated growth of gross real incomes across the national economy (2.8% in 1995, 5.5% in 1996 and 5.9% in 1997). In 1998 the average income growth rate was slowed down to 3.3% – and this despite a falling inflation – which was the consequence of an increasingly difficult financial situation of companies compounded by a general weakening of economic growth.

18. The entire period under discussion witnessed a widening of the wage differential gap. At the end of the period covered by this report, the number of full-time employees, whose take-home pay represented at least double the national average, grew up to some 5.5% of the labor force, as against the 2.9% of 1989. In the same period, the percentage of people in full-time employment earning under half the national average wage also grew. In 1998 the lowest paid accounted for some 13% of the labor force, as against 7.9% in September 1993 and 3.8% in September 1989. Changes were also taking place in the distance separating public and private sector pay. In the entire period under review, wages in the public sector were higher than in the private sector, the difference having risen from 18 points in 1993 to 19.5 points in 1998.

19. Gender-inspired differences in pay were also registered back in those days. Women were generally earning less than men. In 1996-1998 their gross average pay represented 88-89% of the national average while their male counterparts earned 110-111%, the difference – or gender gap - amounting to 22%.

20. In addition to earnings, it is social security benefits that go towards defining the overall incomes of the population. In 1998 there were some 9.4 million old-age and disability pensioners living in Poland and they accounted for 24.4% of the country's population (in 1990 the corresponding figure was 18.6%). This also reflected the changing pensioners to people in employment ratio. In 1998 there were 60 pensioners to every 100 employed people, which was a significant rise over and above the 1990 figure of 44. This largely affected the state budget's social services financing capability. It will be noted, however, that the relation between the average old-age or disability pension (or similar benefits) and the average pay across the national economy did not undergo major changes in the years 1990-1998. In 1995-1998 the average

pension shrank from 63.5% to 59.4% of the average pay. For demographic reasons most of the old-age pensioners were women while men prevailed among disability pensioners.

21. The progressing expansion of poverty-stricken areas was the consequence of the diversification of the material status of the population. Poverty became most acute in Poland in 1990 when households noted the sharpest drop in their real incomes. The conspicuous improvement recorded in the material wellbeing of the households in the years 1995-1997 brought this trend to a halt, and then set it in reverse with the numbers of people living below the poverty line actually falling from 6.4% of the population in 1994 to 4.3% in 1996. What is more, interviewed by pollsters, 33% of the population in 1994 reported their earnings as barely sufficient for a family to survive, which figure fell to 30.8% in 1997 and 1998.

The political situation

22. Frequent changes taking place in both the country's political forces and the parties representing them was a characteristic feature of the 90's. Their role and impact on the political scene found their reflection in the parliamentary elections which yielded the two houses of parliament: the Sejm – the lower house and the Senate – the upper house.

23. At the beginning of the decade the situation remained under the influence of the political setup which had stemmed from the Round Table Agreements – a political pact hammered out between 6 February and 5 April 1989 by representatives of the authorities of the day (PZPR and its allies) and the leadership of the opposition on ways of ushering in democracy into the political life of Poland. In 1990 a so-called "contract Sejm" functioned in Poland. It was elected in 1989 in keeping with the earlier allocation of seats agreed upon at the Round Table and recorded in the Agreements. Pursuant to the Agreements, 60% of all seats were allocated to the thitherto power-wielding parties (PZPR[3], ZSL, and SD[4]), 5% to the democratic opposition (associations PAX, PZKS and Uch-S[5]) and 35% for non-party candidates put forward by independent groups of citizens. This distribution of seats did not apply to the Senate election. Hence 99 in 100 Senate seats were won by representatives of the "Solidarity" Civic Committee, a new political force born out of the August 1980 worker protests in Poland. The country's president was general Wojciech Jaruzelski, elected by the National Assembly (Sejm and Senate) pursuant to the provisions of the Round Table Agreements. The collapse of the PZPR-ZSL-SD coalition, the emergence of a non-communist government led by Tadeusz Mazowiecki (December 1980) and the disbanding of the PZPR (January 1990) administered *a coup de grace* to the Round Table Agreements.

24. In 1990 Lech Wałęsa, leader of the "Solidarity" trade union was elected President of the Republic of Poland. He failed to repeat the success five years later when he was succeeded to the post by Aleksander Kwaśniewski, representing the Democratic Left Alliance.

---

[3] Polska Zjednoczona Partia Robotnicza – the Polish United Workers Party

[4] ZSL – Zjednoczone Stronnictwo Ludowe – the United Peasant Party; SD – Stronnictwo Demokratyczne – the Democratic Party

[5] PAX – Stowarzyszenie "Pax" – Pax Association; PZKS – Polski Związek Katolicko-Społeczny – the Polish Catholic-Social Union; Uch-S – Unia Chrześcijańsko-Społeczna – the Christian-Social Union.

25. The rapidly changing political reality of the country and the considerable role in the process of President Wa□□sa explain the early parliamentary election of 1991 which yielded the first fully democratic parliament, thereafter popularly known as the "first-term parliament". An immense fragmentation and dispersal of the political forces represented therein was its number one characteristic feature. The largest number of seats went to UD, SLD, WAK, PSL-Sojusz Programowy, KPN, POC, KL-D[6]. In 1993 the President dissolved that Sejm much ahead of its time. The second-term parliament completed its full four-year term which was indicative of the onset of stability on the Polish political scene evidenced by much smaller fragmentation of political forces operating there (now only seven political parties). The largest number of seats was won by the SLD – continuators of the political line of the PZPR – an alliance of SdRP and OPZZ[7] and PSL (a party of the farming community). A similar alignment of political forces was reported from the new Senate after the balloting, a somewhat smaller percentage of seats won by the SLD being about the only difference. These political forces stayed in office throughout the 1994-1997 term.

26. The 1997 election changed completely the lineup of forces on the political scene. In that election the AWS[8], a "Solidarity"[9] trade union-led bloc of many right-wing parties and movements won a landslide victory. It ran the country in coalition with the UW[10]. The parties that formed the previous government had gone into opposition.

The Constitution

27. Poland stepped into the 1990-1998 period with the thoroughly revised and updated the 1952 Constitution whose socialist content had been replaced in 1989 with democratic principles, including the amendment pertaining to democratic election and reinstatement of the Senate and the office of President. The need to put in place genuine local government prompted new amendments of the Constitution in 1990.

28. The adoption in 1992 – at the initiative of President Lech Wa□□sa – of what soon became known as the Small Constitution represented a new attempt at regulating the constitutional affairs of the state. Taking the form of a constitutional law on mutual relations between the legislative and executive powers of the Republic of Poland and on local government, the Small Constitution marked the conclusion of the first stage of foundation-laying for a democratic state. Still, it only provided norms to some of the matters of the state while regulating relations between the parliament, the president, the government, as well as local government. Put on the statute book

---

[6] UD – Unia Demokratyczna – the Democratic Union; SLD – Sojusz Lewicy Demokratycznej – the Democratic Left Alliance; WAK – Wyborcza Akcja Katolicka – the Catholic Electoral Action; PSL – Polskie Stronnictwo Ludowe – the Polish Peasant Party; KPN – Konfederacja Polski Niepodleg□ej – the Confederacy for an Independent Poland; POC – Porozumienie Obywatelskie Centrum – the Civic Centre Party; KL-D – Kongres Liberalno-Demokratyczny – the Liberal Democratic Congress

[7] SDRP – Socjaldemokracja Rzeczypospolitej Polskiej – the Social Democratic Party of the Republic of Poland; OPZZ – Ogólnopolskie Porozumienie Zwi□zków Zawodowych – the National Trade Union Alliance;

[8] Akcja Wyborcza Solidarno□ć – the Solidarity Electoral Action

[9] Niezależny Samorz□dny Zwi□zek Zawodowy Solidarnosc – the Independent Self-Governing Trade Union Solidarity

[10] Unia Wolno□ci – the Freedom Union

under the conditions of continuing work on a new constitution, it could not be anything other than a temporary and incomplete regulation. For it left unregulated many important areas, such as the principles of the state's system, those governing the rights and liberties of citizens and the judicature. That furnished ample opportunities for conflicts between the President and the government in matters of the budget, taxes or allocation of ministerial posts.

29. These problems were solved only by a new Constitution adopted on 2 April 1997 and approved by the people on 25 May 1997 in a national referendum. The Constitution entered into force on 17 October 1997. It shaped up constitutional institutions of the state in keeping with the democratic principles of cabinet parliamentarianism, strengthened the hand of the government, weakened the range and scope of the President's influence, fixed at a lower level the quorum needed for rejection of a veto in the Sejm, ushered in universality of the Constitutional Tribunal's rulings, equipped the citizenry with legislative civic initiative and so on, and so forth. A so-called citizens' draft of the Constitution was taking shape alongside the mainstream work on the new Constitution. In 1996 it was endorsed by more than 1 million citizens. However, it failed to muster support in Parliament.

30. The Catholic Church wields considerable influence on the Polish political scene, what with 90% of all adult Poles declaring their adherence thereto. The Catholic Church has a record of immense commitment to Poland's freedom, sovereignty and survival as a state. The conclusion in 1993 of a Concordat with the Holy See and its ratification by the President in 1998 belonged to a set of important circumstances which defined the Church's position and its relations with the State. One of the Concordat's consequences was the introduction of the institution of denominational marriage with civil effect.

European integration

31. Close cooperation with and Poland's membership of European organizations and the EU had been the strategic target of Polish foreign policy from the early 90's. Consequently, on 26 November 1991 Poland became a full member of the Council of Europe, having first gained observer status in 1989. Poland's membership of the organization was certainly an expression of respect the Polish reforms commanded in the late eighties and early nineties. Poland's Permanent Representation at the Council of Europe started work on 4 May 1992. Today, Poland is an active member of the Council of Europe, having ratified some of the Organization's conventions. These form the foundation for harmonizing our judicial, administrative and political practice with those existing in many Council of Europe member states.

32. The directions of strivings aimed at adjusting the Polish economy and legal system to the requirements of the European Union were the resultant of the Europe Agreement[11] concluded on 16 December 1991 which associated Poland with the European Communities and their member states[12]. In June 1993 the European Council set out general criteria of Poland's admission to the Communities and as early as in April 1994 Poland applied for the EU membership. Earlier still, in January 1993 to be exact, the Polish government had adopted a *Program of actions designed to adjust the Polish economy and legal system to the requirements of the Europe Agreement.* From 1994 onwards all draft laws elaborated by the government were evaluated from the viewpoint of their consistency with Community law. A government-level Committee for European Integration was set up in 1996 to coordinate adjustment-related actions, and in 1997 the Polish government adopted a National Strategy for Integration together with *the timetable of implementation actions* setting out tasks stemming from the adjustment process. During its Luxembourg summit of 1997, the European Council adopted a reinforced pre-accession strategy, one of whose elements was the union program *Partnership for Membership* listing priorities and setting a uniform framework for financial support initiatives. The tasks for the years 1998-2000 stemming from that program had become binding for Poland as *the National Program of Preparation for Membership (NPCC)* which the Council of Ministers adopted in June 1998. They focused on all major integration policy elements, including the economy's integration into the Single Market, that is to say, on the implementation of the rules governing the free flow of goods, services, capital and people.

---

[11] Poland and the EEC established diplomatic relations in 1988. In 1989 a trade and economic Agreement was signed between Poland and the European Communities – the first agreement to be concluded by the two sides.

Demographic situation

33. Poland is Europe's eighth and the world's twenty ninth most populous nation.

34. No censuses were held in Poland in the period covered by this report. In late 1990, the demographic estimates based on the statistics provided by natural and migratory movements of the population yielded a figure of 38.2 million people inhabiting the country. By the end of 1998 that figure had risen by a mere 500 thousand. The years 1991-1998 must be seen as those marking a sharp fall in Poland's demographic growth dynamism, and this in a country which had boasted a high growth rate before (up to 0.9% annually).

35. The years 1991-1998 marked the beginning of a feminization of Polish society. The feminization coefficient grew from 105 in 1990 to 106 in 1998.

36. The urbanization process was brought to a halt in the years 1991-1998 and the number of people inhabiting rural areas grew at an unprecedented rate (by 0.2 mln). These phenomena had their roots in socio-economic reforms and the processes they triggered during Poland's social and economic transformation.

37. The nature and rate of the country's demographic growth was the consequence of fertility, the mortality rate and foreign migrations registered in the years 1990-1998. The decline in the live-births rate – a trend started in 1984 – went on. In 1998, the number of live births fell to 395,600 – the lowest in the entire post-war period (in 1990 it was 547,700). It will be noted that a lower fertility of women was responsible for 28% of this figure. With 38.8‰ in 1998, their overall fertility coefficient hit an all-time low in the post-war period. At the same time, a significant shift

---

[12] Its trade part went into force as a transitional Agreement in 1992, and the entire Agreement became effective in 1994.

was noted, starting in 1995, in the lineup of fertility coefficients, with the highest coefficient moving from the 20-24 age-group to the 25-29 age-group. That was primarily connected with a tendency among women to give the first - and not infrequently the only – birth later in life. Thus, socio-economic transformation processes accelerated shifts in fertility patterns in Poland.

38. The years 1990-1998 saw a consolidation of the process of incomplete generation replacement in Poland set in train in 1989 (in cities in 1962). The 1998 coefficient was 0.682, the female replacement level being much higher in rural areas (0.825) than in towns and cities (0.596)

39. The period covered by this report witnessed a significant rise in the number of extramarital births in Poland. In 1998 46,000 such births were registered which accounted for 11.6% of all live births – an almost twofold rise over the 1990 figure. This pointed to a relaxation of fairly rigorous rules governing procreation-related customs in Poland.

40. Immediately after World War II, a very high mortality rate was registered in Poland: in 1950 life expectancy was 56 and 62 years - for men and women respectively. The situation improved considerably over the next decades with conspicuous progress recorded in medical care. The mortality rate fell from 102 to 97 demises per 10,000 people. In 1977, women's average life expectancy was 77 years, that is to say, two years longer than in 1990. The corresponding figures for men were 69 years – also 2 years longer than in 1990. The following table shows life expectancy in the years 1990-1998:

	men	women
1990	66.5	75.5
1994	67.5	76.1
1998	68.9	77.3

41. In the 90s, only negligible differences were registered in the life expectancy of city dwellers and inhabitants of rural areas. However, conspicuous differences were taken note of between individual voivodships (provinces): mortality rates in women were the highest in advanced industrialized voivodhips and the lowest in agricultural provinces situated alongside Poland's eastern border. The average life expectancy gap between Poland and Western European countries is still visible, but has been shrinking over the past years.

42. Disproportionately high mortality rate has been registered over the years in men of all age groups in Poland. The consequence of this phenomenon is the larger number of women than men, this disproportion growing among people in their 40ties: in the period covered by this report there were 105.7 women for 100 men, the corresponding figures for rural areas being 100 and 100. Another fact is a sharp fall in fertility rate in town and country, measured by the number of live births per 1,000 women in the 15-49 age bracket: the 1990 figures were 58 (77 in the country), in 1995 correspondingly 43 and 58 and in 1998 – 39 and 51.

43. A growth of educational aspirations of young people – a pre-requisite of demographic changes - was delivered by transformation-fuelled reforms. At that time all levels of the

educational system underwent reform as well and a green light was switched on for private schools. The number of young people in secondary and university-level education shot up as a consequence: in 1990-1991 46% of young people in the 15-18 age bracket attended secondary school which figure had grown to 62% in 1997-1998. The corresponding figures for institutions of higher learning were 13% and 29% which represented a more than a twofold rise. At that time the undergraduate community grew more than 2.5-fold, from 404,000 to 1,092,000 while the number of academic schools went up from 112 to 246. That period also saw more women in pursuit of higher education. In the academic year 1990-1991 they accounted for a half of all undergraduates, which figure had grown to 57% within eight years. Thus, the socio-economic transformation of the country triggered motivation for acquiring better education and skills significantly more frequently in women than in men.

Equality issues

44. The years 1990-1998 mark a period of tempestuous political, constitutional and ethical transformations. That was also a time of fundamental debates focusing on human rights, as well as of passionate ideological disputes. Each political group succeeding to power strove to carry into life the values it held dear, attempting to draw strength either from the laws of nature – and divine laws – or from the advocacy of human rights. That attitude found its expression in new regulations concerning termination of pregnancy, focusing on the issue of equal rights and moving forward the evolution of the institutional machinery of action supportive of women.

45. 1990 saw a sequence of curbs being imposed on the availability of abortion. The process was inaugurated by an ordinance of the Minister of Health putting women wishing to terminate their pregnancies in a public hospital under an obligation to submit relevant certificates issued by two gynaecologists, a general practitioner and a psychologist.

46. In 1992, at the initiative of an extraordinary parliamentary committee, an attempt was made to further restrict access to abortion, recommending its availability only in the event of a woman's life being in danger. Sidestepping this regulation would have carried a two-year prison sentence each for the woman concerned and the doctor performing the abortion. At the same time a Referendum Movement got off the ground which collected more than a million signatures in support of an appeal for a referendum. This probably swung the Sejm into passing a law less restrictive than that proposed by the aforesaid committee, whereby an abortion was permitted in public hospitals only when the woman's life or health was in danger, the fetus suffered a damage or the pregnancy was caused by a criminal act.

47. In 1994, with a new governing coalition in office, work started on a more liberal law. Its draft admitted an abortion for social reasons and made mandatory a woman consulting a doctor other than the one who was to perform the abortion, or another authorized person. Moreover, the bill would have introduced a three-day period separating the consultation from the actual operation. The draft went through the Sejm in 1996, but the Senate threw it out. Then the Sejm rejected the Senate's veto. The President signed the draft and it became law in January 1997. However, in 1996 a group of senators filed a request with the Constitutional Tribunal that it examine the law's consistency with the Constitution. The Tribunal declared the law inconsistent with several articles of the Constitution and in December 1997 the Sejm approved the Tribunal's ruling. That is why at

the end of the period covered by this report provisions of the 1993 law on *Family planning, protection of the human fetus and conditions of permissible abortion*, as amended, became applicable. These matters are discussed in detail in Article 12 of this report.

48. The years 1990-1998 saw a profound transformation of the machinery responsible for the promotion of women's interests. Changes in the anchorage and tasks of the institution responsible for the implementation of government policies pertaining to gender equality, including those of the designations of the offices of the consecutive Government Plenipotentiaries – all these factors reflected an ideological struggle in progress. The machinery serving the promotion of women's interests received a strong impulse from the Fourth World Conference on Women (Beijing 1995). A process and attempts at putting on the statute book a bill on *the equal status of women and men* was another expression of efforts being made to create a mechanism serving women's interests. However, the draft was not read by parliament in the period covered by this report. These issues are discussed in greater detail in a report on the implementation of Article 3 of the Convention.

Implementation framework and progress registered in the application of the Convention

49. Poland is a party to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, ratified (with the exception of Article 29 paragraph 1) on 18 July 1980. The text of the Convention was published in the Journal of Laws (Dziennik Ustaw) on 2 April 1982 and is easily available. On 30 April 1997, after the completion of the political transformation, Poland waived its reservations to Article 29 paragraph 1 of the Convention. Being also a party to the International Charter of Human Rights, and busy harmonizing its national laws with directives of the European Union dealing with the issue of equality – in 1990-1998 Poland implemented legal regulations stemming directly from Convention provisions.

50. Several Chapters of the Polish Constitution guarantee gender equality. Article 32 of the Constitution says: "All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities. No one shall be discriminated against in political, social or economic life for any reason whatsoever." Article 33 further states that "Men and women shall have equal rights in family, political, social and economic life in the Republic of Poland. Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations". Provisions regarding equality of women and men and prohibiting discrimination also figure in several articles dealing with marriage, family and the legal protection of life (articles 18, 23, 38, 47, 53, 64, 68, 70 and 72).

51. More detailed legal solutions specifically focusing on gender equality and non-discrimination were enshrined in a number of statutory regulations, in particular in those connected with the Labor Code and the law on *employment and countering unemployment*, the Family and Guardianship Code and the law on *universal health insurance,* and others. In 1996 the following provisions regarding countering discrimination on the labor market were entered in the Labor Code:

- equal employee rights stemming from the equally correct performance of similar duties; this concerns, in particular, the equal treatment of men and women (Article 11.2);

- banning any discrimination whatsoever in the workplace, especially on grounds of gender, age, disability, nationality, beliefs – political or religious – and trade union membership (Article 11.3);
- an employer's obligation to respect employee dignity (Article 11.1)

The Labor Code also contains provisions protecting women's work (women cannot be assigned tasks particularly harmful to their health), including that of pregnant women, spells out the rules governing awarding maternity and child-rearing leaves (as of 1996 both parents are equally entitled to a child-rearing leave) and so on.

52. Health insurance is universal and mandatory, says the 1997 law *on universal health insurance*, adopted at the outset of a health reform in Poland which ushered in a health insurance system invoking social solidarity and guaranteeing equal access to benefits and the right to choose your doctor and insurer. On its part, the Family and Guardianship Code spelled out man and wife's equality of property ownership.

53. One must underline at this point the commitment of Parliamentary Group of Women, and of some non-governmental organizations, whose strivings had largely helped usher in many legal solutions prompted by the Convention guaranteeing equal rights to women and men. The Group and the said organizations had likewise been instrumental in placing such provisions within the Constitution, in the drafting of *The National Action Plan for Women* and in implementing a batch of relevant institutional solutions. Within the period covered by this report women had also become more knowledgeable of their rights and liberties and are now quicker to discern and grasp the symptoms and nature of discrimination. Furthermore, no small progress has been registered, following the ratification by Poland of international agreements, in the availability of international juristic bodies before which to defend women's rights and freedoms. One must accept, therefore, that the legal situation of women in Poland has largely improved as a consequence of Convention-derived legal regulations.

Article 1. Definition of discrimination against women

54. In the period covered by this report, Polish law did not define gender discrimination. However, pursuant to Article 91 of the 1997 Constitution, after promulgation thereof in the Journal of Laws of the Republic of Poland (Dziennik Ustaw), a ratified international agreement shall constitute part of the domestic legal order and shall be applied directly. An international agreement ratified upon prior consent granted by statute shall have precedence over statutes if such an agreement cannot be reconciled with the provisions of such statutes. By this token, the legal obligation to respect the principle of gender equality also stems from the norms of international law ratified by Poland, including from the Convention on the elimination of all forms of discrimination against women, whereas the definition of discrimination, as set out by Article 1 of the Convention, can be applied in Poland directly.

55. Polish law is gender blind when it comes to drawing benefits from human rights and fundamental freedoms in political, economic, social, cultural and civic life. A ban on gender discrimination was expressed in no uncertain terms by both the country's Constitution and in statutory regulations, as described in detail in the report on the execution of the provisions of Article 2 of the Convention.

Article 2. Obligations to eliminate discrimination

The Constitution

56. In the period covered by this report, the fundamental legal act which expressly prohibited discrimination against women was the Constitution of the Republic of Poland.

57. In Article 67 paragraph 2 the 1952 constitution guaranteed the Polish citizens' equal rights irrespective of their gender, birth, education, profession, nationality, race, religion, social background and position. Article 78 conferred on the woman equal rights with the man in all fields of administrative, political, economic, social and cultural endeavour. Women were guaranteed equal rights with men, including the right to equal pay for work of equal value, to rest and social security, to education, to receive public decorations and honours, and to hold offices. Other guarantees of equal rights, provided in the Constitution, covered mother and child care, pregnancy protection, paid maternity leave before and after childbirth, provision of maternity wards, creches, kindergartens and all kinds of relevant services. Article 78 paragraph 3 declared that Poland would strengthen the role of women in society, especially of mothers and women in gainful employment.

58. The Constitutional Act of 17 October 1992, also known as Small Constitution, confirmed the provisions of Articles 67 and 78 (Article 77 of Small Constitution).

59. In the Constitution adopted on 2 April 1997, the principle of the equality of women and men was contained in Chapter II "The freedoms, rights and obligations of persons and citizens". Article 32 said this: "All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities." Article 33: "Men and women shall have equal rights in family, political, social and economic life in the Republic of Poland. Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices and to receive public honours and decorations."

60. The 1952 Constitution provision enshrining men's rights as a "norm" women were supposed to try to live up to did not reappear in the 1997 Constitution ("the rights of the woman are equal to those of the man" – Article 78).

61. Pursuant to article 8 of the 1997 Constitution all other normative acts were to enshrine the principle of equality of women and men and help to carry it into life, whereas all public administration bodies were duty-bound to apply it directly in the discharge of their duties. However, back in those days Polish legislature had no executive instruments with which to help implement this constitutional norm by setting out claims-related procedures and providing sanctions for violation of rights.

62. In the event of a breach of the principle of equality, any individual can bring her/his case before a court of justice, says article 45 of the Constitution, whereas article 77 adds that statutes shall not bar the recourse by any person to the courts in pursuit of claims alleging infringement of liberties or rights. The Constitution further laid down two procedures of exceptional importance, both serving the protection of constitutional rights and liberties. One is a complaint any person can bring directly before the Constitutional Tribunal in the event of an infringement of his/her constitutional liberties or rights. The complaint serves the task of examining whether a law, or some other normative act under which a court or a public administration body made a final ruling, impacting upon freedoms or rights enshrined in the Constitution, is in conformity with the Constitution. The second procedure governs requests, addressed to the the Commissioner for Civil Rights Protection (ombudsman), for help in defence of one's liberties or rights infringed upon by public administration organs. The Polish legal system has never known courts, tribunals or commissions set up to deal specifically with discrimination-related women's complaints.

63. Lower-level legal acts which - in violation of the Constitution - would under any pretext categorize citizens could be challenged before the Constitutional Tribunal. The Tribunal was established under Article 188 of the 1997 Constitution to adjudicate on conformity therewith of all legal acts.

64. Prohibition of gender-motivated discrimination gave reason to challenge the constitutionality of lower-level regulations before the Constitutional Tribunal. The matters at issue included discrimination of female scientists, retirement age in women, unemployment benefits, compensatory benefits, and the like. And so:

- In its ruling of 24 September 1991, the Tribunal expressed the view to the effect that the earlier retirement age for women must be treated exclusively as a right and not as a duty to quit the job. This regulation, applied on a mandatory basis to women who refuse to leave employment at the age of 60, degenerates from a right into a regulation restrictive of women's rights. The Tribunal ruled that the constitutional guarantees of equality of women and men are also tantamount to equality in employment implying equal opportunities.
- In its ruling of 23 February 1993, the Tribunal highlighted the inconformity with the Constitution of the provisions of Article 10 paragraph 1(2) of the 20 December 1990 law on the social security of farmers in that it did not count the spouse among the persons closest to an insured farmer. At issue was a one-off benefit for an uninsured person, the nearest one to an insured farmer. The law had not named the wife as the person entitled to compensation, whereas it was actually farmers' wives who had most frequently been victims of accidents in agriculture.
- The Constitutional Tribunal has also adjudicated on the right to unemployment benefit. The Tribunal stated that depriving of the right to unemployment benefit a person forming a common household with a spouse whose take-home pay was in excess of the double average income was discriminatory in nature. Such regulations were discriminating only because unemployment happened to be much higher among women while average take-home pay was higher among men, all of which had a disproportionately negative impact upon the situation of women.

65. The Commissioner for Civil Rights Protection (ombudsman), the guardian of human and civil rights and freedoms, enshrined in the Constitution and other normative acts, intervened many times in matters pertinent to gender equality and discrimination. His interventions helped abolish regulations making employers and labor exchanges duty bound to segregate job offers into those meant for women and men.

Ban on discrimination in labor law

66. Provisions highlighting equality and proscribing discrimination were also entered into labor law in the period covered by this report. The updated 1996 Labor Code emphasizes the equality of the rights of employees assigned identical duties which is translated into equal treatment for men and women (Article 11). Furthermore, any form of discrimination in industrial relations, including gender discrimination was also prohibited (Article 11). That provision imparted to the aforesaid rule the status of a labor law fundamental which meant that the remaining provisions of labor law, and interpretation thereof, had to be consistent with it. Still, the provision was largely declarative in nature, because no sanctions were envisaged at that stage for actions in breach of the prohibition, nor procedures were put in place for the benefit of those claiming their rights under this principle. These issues were analyzed in detail in a report on Article 11 of the Convention.

67.In its 10 September 1997 ruling on the prohibition of discrimination, as written into the Labor Code, the Supreme Court stated the following: "*Discrimination, as set out in Article 11 of the Labor Code, shall mean either extra-legal deprivation of, or constraints imposed on the rights resultant from the employment contract, or gender-motivated unequal treatment of employees (...); it shall further mean investing, for the same reasons, in some employees lower rights than those enjoyed by other employees being in an identical situation factually and legally*".[13] In its judgement of 13 February 1997 the Supreme Court recognized that "*any harassment or discrimination in labor relations motivated by, among other things, an employee's gender (...) shall be inadmissible. Discrimination shall mean, above all, creating a situation that is less beneficial for one employee than for others.*"[14]

Draft of Gender Equality Act

68. The process of drafting and putting on the statute book the law *on the equal status of women and men* was part and parcel of the attempts to generate the aforementioned machinery responsible for the promotion of women's interests. The draft law was for the first time sent to the Sejm in 1996 at the initiative of the Parliamentary Group of Women. The Group had been set up in 1991 and in 1993-1997 it affiliated 71% of Polish female parliamentarians (more about it in Article 7). The draft was patterned on Norwegian experiences and targeted direct and indirect discrimination of women and men. The proposed ban on discrimination covered all areas of life and included a specimen catalogue of protected rights. The draft law focused attention predominantly on principles guaranteeing the equality of women in employment, in access to social security, medical care and legal protection. Watching over the observance of the future law's provisions would have become the responsibility of the Ombudsman for Equal Status, his provincial plenipotentiaries and the Commission for Equal Status. The proposed membership in

---

[13] OSNP 1998/12/360

[14] OSNP 1997/20/398

elective, nominated or appointed public bodies of at least 40% representatives of either sex stirred up the biggest controversy.

69. The project was never subjected to scrutiny, however. Then some corrections were made in it, following which in 1997 the draft was sent to the Sejm, and next forwarded to the relevant Sejm committees. 1997 was the year of new parliamentary election which meant that the entire legislative procedure regarding the draft was to start anew.

70. In 1998 a group of parliamentary deputies, again encouraged by the Parliamentary Group of Women, sent a new gender equality draft law to the Sejm. It was sent back for corrections which concerned, among other things, some quota-related calculations and positive discrimination, which - many male deputies said - amounted to an intended discrimination of men.

71. The AWS-UW government of the day dismissed as unwarranted the idea of adopting the said law while contending that the application of temporary measures to even out the opportunities of women and men would have run counter to *acquis communautaire*. The position of the government vis-à-vis the matter further indicated that none of the European Union member states had invoked the principle of gender parity. On top of that, the government criticized the statutory proposal urging a verification of school textbooks to eliminate therefrom all male and female-role stereotypes. It said that would blur the differences between the social roles of women and men.

Article 3. The development and advancement of women

72. The changes of government registered in the period covered by this report affected the [illegible]al rights policy by turning it into a battleground of unending debates on the points of its contents and, indeed, on the sense or otherwise of proceeding with it at all.

73. In 1990, conducting and coordinating efforts aimed at improving the status of women in keeping with the *Strategy of women's advancement,* adopted by the 1986 Nairobi conference, was the responsibility of the Government Plenipotentiary for Women's Affairs, an official holding the rank of undersecretary of state at the Ministry of Labor. In May 1991 the Council of Ministers' resolution renamed that institution, now fitted into the structure of the Council of Minster's Office, as Government Plenipotentiary for Womens' and Family Affairs. The Government Plenipotentiary then drafted a government program of improvement of the situation of women, children and families. He also protested against certain legal restrictions on access to abortion facilities and family planning instruments while continuing cooperation with non-governmental organizations. In February 1992, the Plenipotentiary was recalled after more than a year in office, and his post remained vacant till December 1994 (it was filled again only after the 1993 election). In 1994, pressure applied by groups of women and the prospect of a UN women's conference in Beijing prompted the appointment to the reporting post of first, the Minister of Territorial Development and Building and then, in 1995, elicited the creation by the Council of Ministers' resolution the post of Government Plenipotentiary for Womens' and Family Affairs. He was attached to the Council of Ministers Office as undersecretary of state.

74. That period of time witnessed a conspicuous intensification of actions aimed at ensuring conditions for women's advancement and delivering gender equality. The drafting of a report for the Beijing conference was preceded by analyses of both the statutory regulations concerning women and public opinion polls devoted to gender equality and barriers blocking the social advancement of women. In May 1996 the Plenipotentiary invited non-governmental organizations to help with the drafting of the report, thereby giving rise to a permanent Forum for Cooperation of Non-Governmental Organizations and the Government Plenipotentiary for Women's and Family Affairs. The Plenipotentiary then supported with financial grants various initiatives and projects of non-governmental organizations. At that time, the first ever training in the area of gender equality was held for the benefit of high-level state officials.

75. During the *United Nations Fourth World Conference on Women* (Beijing 1995) the Polish Government signed the final documents of the conference – the *Beijing Declaration* and the *Platform for Action* – without any reservations or exclusions whatsoever, and expressed its desire to set about pursuing tasks resulting therefrom. Working with both experts and the non-governmental organizations, the Government Plenipotentiary elaborated *The National Action Plan for Women – the 1st stage of implementation up till 2000*, adopted by the government in 1997. The program translated the recommendations of the *Beijing Platform for Action* into a timetable of specific tasks assigned to individual ministries, local government organizations and non-governmental organizations. The tasks carried a promise of improving the situation of women by evening out their opportunities in all fields of public life (more about the Program in the account of the implementation of Article 4 of the Convention)

76. Also elaborated at that time – in cooperation with UNDP – was a domestic violence suppression program *(Against violence – for equal opportunities)*. The principal aim of the program was to create a cohesive and comprehensive system of providing assistance to victims of domestic violence. The program's intention was to create regional centres properly equipped to deliver social, legal, medical and psychological help to those in need. These were to be organized and run by competition-winning non-governmental organizations in cooperation with local government bodies. However, the program failed to get into the full swing in the run-up to the 1997 election: only three such centres had actually got off the ground.

77. After the 1997 general election, the Plenipotentiary for Women's Affairs and the Family was replaced by Plenipotentiary for the Family, an official in the rank of secretary of state. The Plenipotentiary's number one task was to initiate and coordinate the pro-family policy of the Polish state. The implementation of *The National Action Plan for Women – the 1st stage of implementation up till 2000* then ground to a halt. The program *Against violence – for equal opportunities* was re-oriented to help families in a mediating and conciliatory capacity, and to fight alcoholism, the principal cause of domestic violence. The new government also discontinued the attempts, undertaken by the previous ruling team, to set up voivodship-level structures for women's advancement, including local posts of plenipotentiary for women's affairs. The discrimination of women in Poland and the absence of an equality-promoting government policy found their reflection both in reports drawn up by non-governmental organizations involved in pursuit of women's interests and gender equality, and in remarks addressed to the government by international organizations (such as the Committee for Economic, Social and Cultural Rights, 1998).

78. In the years 1990-1998 the Government of the Republic of Poland made random evaluations of the national legislation within the context of obligations imposed thereupon by CEDAW. Evaluations were usually made in connection with the ongoing implementation of other obligations, such as the drafting of the report for the United Nations Fourth World Conference on Women, held in Beijing in 1995. For instance, some analyses were performed on the occasion of national conferences. However, no budget analyses were made to find out whether women actually enjoyed an equal share of the state's resources.

79. Statistical data were as a rule segregated into gender units, even though that called for supplementary information on the sex of both the perpetrators and victims of domestic violence. However, given the fact that the files indicated neither the perpetrators' nor the victims' sex, the overwhelming prevalence of men among the culprits, and of women among the victims of that particular crime did not show in the statistics.

80. The consecutive governments of the Republic of Poland in the period covered by this report differed in their approach to the problem of women's advancement. The national mechanism operated solely at the central level. Attempts at closing the gap were undertaken repeatedly by the Parliamentary Group of Women who raised issues of importance for women and deployed their initiatives in support of the building of a women's lobby.

Article 4. Acceleration of equality between men and women

81. No temporary measures were introduced in the period covered by this report to speed up the arrival of a de facto equality between women and men. Whatever attempts were made to deliver gender equality during the country's political transformation, were then abandoned by the authorities chosen in free elections.

82. Some attempts at introducing quota systems to the internal structures of some parties (to name the UP[15]) were made from 1994 onwards (see Article 7).

83. *The National Action Plan for Women – the 1st stage of implementation up till 2000,* elaborated in 1997 by the Government's Plenipotentiary for Women's and Family Affairs in cooperation with experts and non-governmental organizations contained tasks designed to improve the situation of women in 10 separate subject areas. These were:

- the rights of women;
- participation of women in decision-making processes, and in government;
- education;
- women and the economy;
- women's health;
- women and the environment;
- women and the media;
- mechanisms of cooperation of the state administration with non-governmental organizations;
- research strategies and data gathering systems.

Promotion and protection of women's rights within the context of human rights, gender equality and non-discrimination in all areas of public life was the basic, long-term strategic goal of the program. Actions planned within the program's framework envisaged temporary measures aimed at speeding up the arrival of de facto gender equality, such as occupational equality plans and reports on their implementation (this postulate was never implemented). However, this government document was the first of its kind to focus on the question of creating a mechanism of cooperation of the state administration with non-governmental organizations, as well as on research strategies which were to have helped objectivise evaluation of women's situation in Poland while utilising specific indices in social policy improvement in Poland. Implementation of the Program was embarked upon and carried on gradually - and unsatisfactorily - by some ministries up till the next change of government.

84. A deputies' *draft law on the equal status of women and men* contained a provision on the application of a quota system in filling posts by appointees or nominees. However, the draft never made it through parliament (see: article 2).

85. The pensionable age for women (60 for women and 65 for men) was perceived as a privilege – especially at the beginning of the period covered by this report. The retirement system, which had remained in place until 1998 was redistributive in nature, and so the women's shorter contribution pay-periods only to a lesser extent influenced the level of the pension drawn, because they were partly compensated for by the system. A majority of the women also took advantage of the possibility to retire before reaching the pensionable age which, given a high level of unemployment, was encouraged by both the government and the trade unions. By the late 90's, the retirement age for women was no longer viewed as a privilege: a retirement system reform, complete with individual contributions accounts, was then being contemplated (see Article 11).

---

[15] Unia Pracy – the Labor Union

86. Regulations protective of maternity have been discussed in detail in Articles 11, 12 and 13.

Article 5. Sex roles and stereotyping

Sex roles and stereotyping

87. In the period covered by this report, man was traditionally the family head and chief provider, while the woman's role was limited to staying at home and attending to traditionally "female" duties, such as looking after the children and the elderly, cooking, ironing, cleaning, and the like. On the other hand, the man's job was to make money and do all kinds of repair works. Despite the fact that women were gainfully employed, too, their own contributions to family budgets were not infrequently viewed as merely supplementary to their men's earnings. The 1994 public opinion poll findings indicated that women more frequently than men felt unfairly treated and weighed down by payloads of household chores. Moreover, when facing problem fewer women were prepared to seek their husbands' support (53%) than the other way round (87%).

88. Stereotypes were deeply rooted in the public mind, and there were many manifestations of that, especially in the attitudes of independent judges. An overwhelming majority of child custody cases attending divorces ended with the custody of children being awarded to mothers, and not to fathers, by judges working on the assumption that mothers would make the best job of it.

89. Stereotypes also found their reflection in the way women were portrayed by the media. Two thirds of TV commercials showed women doing household chores, and one third presented them as sex objects. According to some research findings, women were more convincing as advertisers of detergents, shampoos and soups while men looked more natural selling beer, computers and cars (according to "The Woman in Poland in the 90s" report). All that was responsible for the following picture of the woman emerging from the media: a mother, rarely out of the kitchen, of no influence on the world outlook and intellectual progress of her children but, on the other hand, what an ideal cook and housecleaner she made.

90. Quite similarly were the women and men presented in school textbooks as well. Mothers traditionally did the cooking and ironing while the men pursued their DIY-related hobbies. Moreover, the illustrations depicted the women as unattractive housewives, never parting with their aprons or dressing gowns, restricting their contacts with the children to serving them meals or helping them with their homework. Men, on the other hand, looked smart in their sharply cut suits and they never could be bothered with traditional household chores. Also their contacts with the children looked more attractive and diversified, as they included excursions and all kinds of games and discussions.

91. Manifestations of the stereotypical approach to the question of gender were quite visible in the realm of medical care. In a gynecologist's surgery at a public hospital a woman-patient could be subjected to an unsolicited lecture in "morals" or inadmissible, tactless interference with her intimate life.

92. In the area of employment, a distinction was also drawn between "women's jobs" (educational occupations and those involving caring for other people) and "men's jobs". The latter, chiefly technical in nature, put a premium on sheer physical strength. The traditional approach to work also found its reflection in staff-wanted advertisements carried by the press. Then, although in the early 90's public Labor Exchanges were instructed to formulate their own job offers in a gender-neutral manner, the private press carried notices written along the lines of "a woman needed..." or "a man wanted..." Furthermore, one must take note of the specific nature of the Polish language, which distinguishes male from female nouns. For instance, "maszynistka" is Polish for a (female) typist, while "maszynista" denotes a rail engine driver. But even when a gender-neutral word could be found for a candidate needed to fill in a vacancy, a head-hunting company was free to place an advertisement leaving nothing to doubt about his/her gender. It asked for a "kierownik", when a male manager was wanted, or for a "kierowniczka" when requiring a female manager.

93. Court rulings imposing punishments on women or men did not corroborate the widespread opinion that representatives of the "fair sex" were treated more leniently by judges than men. True, fewer of the former had been sent to prison, as emerged from an analysis of court cases. However, that picture was largely the consequence of a different structure of crimes committed by women, as well as of a different nature of crimes perpetrated by re-offending women and men. The women received harsher sentences than the men for the cruel treatment of their family members of dependants. For such offences they were sent to prison for terms of one to two years, while the sentences received by the men ranged from six months to one year. The 1997 statistics indicate that women and men accounted for, respectively, 62% and 23% of more than one-year prison sentences for cruelty to children.

94. A public opinion poll taken in the early 1990s shows a prevalence of the view among women that there was actually nobody around to act in defence of their rights and interests. However, after 1989 fears about the possible loss of their status and concern lest the ongoing democratization of public life would leave out of account the question of the full equality of women and men, had encouraged the enhancement of the public awareness of the need to protect women's rights. Unfortunately, that awareness had become the share of no more than a few narrow social groups. Therefore women's rights needed to be promoted within the framework of a broader human rights educational campaign involving the media. The consecutive Government Plenipotentiaries for Women's and Family Affairs kept pressing for the elimination of the stereotypical allocation of roles within the family and of the as stereotypical perception of the role of women in public life.

95. In the early 90's, the traditionally celebrated Women's Day (8 March) was taken over by women's non-governmental organizations for demonstrations to propagate gender equality and press for liberalization of the abortion law. Some parliamentarians gave their support to such demonstrations.

Violence against women

96. Domestic violence targeting women was a serious social problem. The public seemed to accept violence as a method of solving conflicts, a way of proving one's point or, for that matter,

of raising children. A hierarchical family, complete with the man dominating the woman, the husband ruling over the wife and the parents dominating the children clearly fostered such attitudes. Tradition clearly put the interests of the family as a whole above the rights of its individual members. Particularly dangerous seemed to be the social acceptance of aggressive behaviour as a way of intimidating the family into obedience (restoring "order"). And that went for parents imposing their will upon their children, and the husband/partner frightening his woman into submission. One must argue at this point with the view that domestic violence occurred only in families subsisting on the fringes of society. That is not true. Although physical violence indeed occurred more frequently among the less educated couples, mental cruelty dominated among university graduates.

97. The abuse of alcohol by men was found by pollsters to be one of the main reasons of family conflicts and divorces in Poland. Alcohol was also a principal stimulant of aggression in the family (13%). In the 90's, however, economic difficulties moved to the fore as causes of family conflicts. In 1997, a Public Opinion Research Centre (CBOS) poll drawing on a sample of married and divorced women showed that financial problems (more than 52%) and unemployment (14%) were the most frequent causes of fights among married couples and partners.

98. In 1993, men were found guilty in 10,265 out of 10,469 cases of domestic violence. Furthermore, men received 927 sentences in 930 rape cases examined by the courts. Women received stiffer sentences for homicide, and that both when they had acted in collusion with men and when the killing had been the consequence of a family quarrel. According to research findings, in the latter case the perpetrators were women, victims of domestic violence. In such cases, a woman could expect, at best, a classification of her crime as a *crime passionel*, whereas men were, as a rule, tried for deliberate bodily harm with an unintentionally fatal result. It stems from the aforesaid that in trying such cases not all the judges had followed the international recommendation urging consideration of self-defence from the perspective of the whole history of violence, and not just of its final act.

99. In the period covered by this report Polish law envisaged penal sanctions for domestic violence. Article 184 of the Penal Code ran as follows:
§1. Whoever inflicts physical or mental suffering on a family member or another person permanently or temporarily dependent on the perpetrator, or on an adolescent and a defenceless person, is liable to a penalty of imprisonment of six months and five years.
§2. If the consequences of this act include an attempt on the part of the victim to take her/his own life, then the perpetrator is liable to a penalty of imprisonment of one to ten years.
From a formal viewpoint, the crime as described in Article 184 is the consequence of domestic tyranny and must be viewed in separation from its consequences. This crime is prosecuted ex officio. Failure to inform the law enforcement organs by the victim, or even denial by the latter of having ever been the target of violence must not stand in the way of examining the case and prosecuting the person responsible.

100. Rape, including marital rape, was dealt with above all by Article 168 of the Penal Code. This particular crime was described in the Article as a crime against the freedom of the individual. It carried a sentence of 1 to 10 years in prison (Article 168 paragraphs 1 and 2) and was prosecuted "at the request" of the aggrieved party (Article 168 paragraph 3), meaning that setting in train the prosecution procedures required a previous consent of the said party. That legal principle was adopted to protect women against repeated victimization in the course of the prosecution, given the nature of the trauma suffered by them.

101. Moreover, the Polish legal system prosecuted the following crimes against family members, children first and foremost:
- leaving (a person) in a situation carrying a threat of loss of health or life (Article 163),
- committing a lewd act (Article 176),
- encouraging (a person) to consume alcohol (Article 185),
- persistent shunning of the duty to provide for the family (Article 186),
- abandoning (a person – Article 187),
- kidnapping (Article 188).

Under Article 167, the use of threats to coerce someone into some kind of behaviour was also punishable.

102. Stealing from family members was also an offence (Article 204). However, Polish law does not contain provisions to handle "honourable crimes". Such crimes occur only sporadically and are ascribed to the country's cultural tradition.

103. The Penal Code states explicitly that any person who knows of a crime committed is under an obligation to inform about it the law enforcement organs (Article 256). Failure to perform this civic duty does not actually entail criminal responsibility, save in situations described in Article 240 paragraph 1 (manslaughter, genocide, terrorism, the most serious crimes against the Republic of Poland and the country's defence). The Penal Code, however, does contain an article making possible prosecution of an officer of the state for criminal negligence. That article could be used to prosecute police officers who refuse to intervene in domestic violence, but that never happens.

104. The 1992 Radio and Television Law prohibits presentation of drastic form of violence, especially sex-related violence before 11 p.m. Under the law, radio or TV broadcasts are not allowed to:
- propagate actions which run counter Polish law or the Polish raison d'etat, which are against morality and public good or propagate racial, sexual or ethnic discrimination (Article 18 paragraph 1);
- pose a threat to physical, mental or moral health of juveniles (these broadcasts cannot be put on the air between 6 a.m. and 11 p.m.), or show pornographic material or footage of excessive violence (complete ban on presentation) - Article 18 paragraphs 4 and 5.

In 1997, the Government Plenipotentiary for the Family and Women's Affairs officially protested against one such broadcast.

105. Some public institutions: social security centers, family guidance centers and public health service units offering guidance to drug addicts and people with the drink problem were capable of providing battered women with some form of help as well. Public funds were also channelled into psychological and pedagogical counselling units and family consultancies. Special shelters for the homeless – victims of domestic violence – were also set up.

106. The first government program of help to battered women came into being in Poland in 1995. The State Agency for Prevention of Alcohol Related Problems (PARPA) set up a "blue" helpline for victims of domestic violence. Its aim was to offer legal advice to battered women, complete with suggestions on how to enlist the assistance of the police. Also witnesses to violence who contemplated helping the victims were encouraged to call for guidance. The program was addressed first and foremost to victims of violence in families with the alcohol problem.

107. In the aforesaid *The National Action Plan for Women,* adopted in 1997, the government undertakes to suppress both violence against women and domestic violence. For this end, it commits itself to:

- participation in efforts aimed at the elimination of harmfully stereotyped concepts of violence against women and domestic violence;
- the construction of a system of assistance to victims and prosecution of those responsible for violence;
- the introduction of changes to the law administration system;
- the elaboration of more effective domestic violence investigation methods;
- educating media owners and employees on the need to eliminate pornography and violence against women;
- introducing discussions on domestic violence and violence against women to school curricula;
- setting before to the National Health Program an essential task of limiting the negative impact of violence on women's health.

The Government Plenipotentiary for Family and Women's Affairs supplemented the above-mentioned Program with a help program addressed to women-victims of violence, entitled *Against violence – for equal opportunities"*. The programs objective was to shelter the battered women against further violence, to offer them all-round psychological, medical and legal help and enable them to attain economic independence. For the program's authors had come round to accept that in many households violence directed against women stemmed from the latter's economic dependence on their brutal husbands of partners. Scheduled for implementation in 10 relief centers, the program hinged on the tenet of the woman's independence and dignity and was to spearhead the establishment in Poland of an assistance system covering the entire country.

108. However, the key role in the reporting period was played by non-governmental organizations, highly specialized in delivering assistance to violence victims, as well as political coalitions and self-help groups affiliating women from all walks of life which also did a lot to prevent domestic violence. In the 90's several important conferences devoted to these matters were organized in Poland, including in parliament. In 1996, the *Conference on violence against women* adopted a *Declaration against domestic violence* which was signed by the Government Plenipotentiary for Family and Women's Affairs, the State Agency for Prevention of Alcohol Related Problems (PARPA), the Parliamentary Group of Women and non-governmental organizations.

109. In 1996 there were 120 shelters for lone mothers, for the homeless, for women and children and child care homes in Poland but only 8 of them actually made specialist psychological, medical and legal assistance available to domestic violence victims. Most of these shelters were run by non-governmental organizations, and they relied on subsidies from the state budget and local government bodies. They could between them accommodate about 200 women. In the period covered by this report, shelters for women and children on the run from their violent husbands and fathers operated in 33 of the country's 49 provinces.

110. The problem of domestic violence has not been sufficiently researched into so far and its scope and intensity still elude social workers. According to the previously quoted findings of the CBOS poll, some 20% of the women had suffered violence at the hands of their husbands while another 40% said they knew of a woman beaten up by her husband. Some 60% of divorced women admitted having been hit by their husbands at least once and 25% remembered having thus been assaulted repeatedly.

111. Police statistics can serve as a basis for merely a rough estimate of the extent of domestic violence. Moreover, these statistics contain data on the number of such crimes and their perpetrators' gender. What they lack is the data on the victims.

112. The statistics of court rulings, on the other hand, furnish figures of suspended sentences against those of offences punished with imprisonment. In 1994, 87.6% of the 10,696 persons prosecuted for inflicting violence on a family member received suspended sentences.

113. Court and police statistics indicate that people living in big cities were responsible for the largest number of crimes tried under Article 184 of the Penal Code (64.7% in 1981-1991). These data are evidence of inadequate access to legal procedures of inhabitants of rural areas and speak very little of the extent of violence in rural families.

114. "The Blue Cards" - the procedure governing police interventions in instances of domestic violence – had become an important instrument improving the effectiveness of probes into the phenomenon of domestic violence. The procedure is a fruit of police cooperation with non-governmental organizations. It was implemented in 1998 pursuant to Ordinance 25/98 of the Commander-in-Chief of the Police. It provides guidance on ways police interventions should be launched and carried through, whereas the meticulous records of each such operation furnish grounds for the subsequent legal actions by social security or non-governmental organizations in support of the victims. "The Blue Cards" procedure was also launched in the hope that it would soon become an important source of information on the extent of domestic violence. The following are its objectives:

- to make it easier for police officers to record in an orderly fashion both the evidence and facts gleaned at the crime site and the action taken by them;
- to provide the victim (victims) of domestic violence with relevant legal information and to offer her (them) guidance on where to seek further help;
- to encourage the domestic violence victim (victims) to demand protection of her (their) rights and to look for more help;
- to help the victim (victims) to write an account of the act of violence to be used in the prosecution of the person responsible;
- to make it possible for the domestic victim to write an application for help. The victim then can be asked to file with the local police station a deposition required for an investigation to be launched into the case. Relevant social services are also to be informed;

- to make preventive action within the family easier for the neighbourhood police officer, and to streamline cooperation with other social services involved in suppressing domestic violence;
- to make the documentation of the case available to police investigators and prosecutors before bringing the case before the court of justice;
- to make the documentation available to the juvenile care department/section of the police when it is also the children that become the targets of abuse in a violent family;
- to facilitate an investigation of the phenomenon of domestic violence, and of a degree of threat it can pose to all those concerned, in the run-up to an appropriate preventive action.

115. Important elements of this procedure further include:
- involving various individuals, institutions and organizations in creating local help-the-victims systems,
- performing analyses of and gathering information on the existing threats of violence (assessing the range and scope of the phenomenon),
- undertaking actions to enhance the violence victims' sense of security,
- enhancing the public awareness of domestic violence,
- involving individuals and institutions in helping the victims of violence which can help reduce the scale of this phenomenon,
- ensuring storage in a specialist computer system of records of police interventions in domestic violence cases.

Article 6. Exploitation of women

116. In Poland legal regulations concerning prostitution, exploitation of prostitution and trafficking in people run parallel to the international agreements ratified by this country. In the period covered by this report, of paramount importance was the *Convention on the suppression of trafficking in people and exploitation of prostitution,* adopted by the UN in 1950 and ratified by Poland in 1952.

117. Pursuant to the Convention, Poland abolished police and medical registration of prostitutes and discontinued discriminatory police operations against them. Prostitution is not a legally punishable offence in Poland. It is viewed as a social pathology. However, drawing benefits from prostitution and trafficking in human beings are subject to punishment under Polish law.

118. Under the 1969 Penal Code, which was in force and effect in the period covered by this report, whoever encouraged another person to go into prostitution, drew benefits from prostitution or facilitated the practice of a prostitute with an eye on such benefits was liable to criminal prosecution. The aforesaid crimes are set out in Article 174 paragraphs 1 and 2.

119. The crime of trafficking in people was initially defined in Article IX paragraphs 1 and 2 of the regulations ushering in the 1969 Penal Code. In paragraph 1 the legislator set out in detail a conduct whereby the perpetrator arranged for a woman - including a consenting woman - to become a prostitute, enticed her into prostitution or abducted her with that aim in view. It emerges from the Article that for those crimes to be acknowledged as such by the law it made no difference whether the person in question was delivered into prostitution with or without her consent. It could make a difference only for those considering the severity of the punishment about to be meted out. Paragraph 2 defines trafficking in both women, including in those who consent to being sold or bought, and children. In this case, the objective pursued by the perpetrator did not matter: trafficking in women and children was a crime regardless of its purpose, and carried a minimum 3-year prison sentence. These provisions were subsequently expanded in a new Penal Code, effective as of September 1998 *(for more information see Report VI).*

120. In addition to their unquestionably positive effects, the political and economic transformations in Poland and other countries of Central and Eastern Europe in the late eighties and early nineties brought about or helped intensify some negative social phenomena as well. Economic liberty brought in its wake new organized groups drawing profits from sex and pornography. This industry had its links to organized crime and expanded to a degree making possible large-scale trafficking in women and profiting from prostitution. Growing unemployment, pauperisation of a large segment of society – the side effects of the country's economic transformations – had no doubt largely contributed to the emergence of this situation. At the same time Poland had become attractive for nationals of other countries in the region which triggered an influx into Poland of people from the former USSR and the Balkan states.

121. In the pre-1990 period prostitutes had plied their trade chiefly in hotels and restaurants. That changed after 1990 with the conspicuous growth in the numbers of so-called massage parlours and biological renewal clubs which were *de facto* brothels - today these are controlled by organized crime. Roadside prostitution was another phenomenon of those days. Women involved in it were overwhelmingly foreigners on tourist visa, servicing long-distance truck drivers or motorists.

122. Central Poland and stretches of the country along the border with Germany were areas of largest concentration of organized criminal groups trafficking in women and forcing them into prostitution. Large numbers of women were subsequently sent to work as prostitutes in Germany.

123. According to rough estimates, in the early 1990s there were around 10 thousand prostitutes in Poland. In 1997 that figure grew to 13,500. Some 2,500 of them were foreign nationals: predominantly Bulgarian, Russian, Belarussian, Ukrainian, Romanian and Moldovan women. However, there are no data to indicate how many of them were actual trafficking objects, how many happened to be volunteers and how many had been forced into prostitution.

124. Trafficking in women and profiting from prostitution did not figure prominently in the crime statistics of the period covered by this report. At that time that was a relatively new phenomenon whose rapid growth required of law enforcement organs a substantial expenditure of time and effort on a strategy promising success in both combating and preventing this pathology. By 1995 the police had detected only a few crimes of this type. In 1997, 56 crimes of abduction of women subsequently forced into prostitution were prosecuted, plus 27 cases of trafficking in women and seven cases of trafficking in children. Also in 1997 the police detained 57 crime suspects including 16 women. All told, in the years 1991-1998 (by the entry into force in September 1998 of the new Penal Code) 69 persons were tried and sentenced under Article 69 paragraphs 1 and 6 under Article IX paragraph 2. As many as 276 individuals were tried and sentenced under Article 174 paragraphs 1 and 2.

125. Cooperation with law enforcement agencies of other countries, with the German police first and foremost, resulted in the liquidation of several international criminal groups which had lured women into prostitution through innocent-looking press advertisements offering work as domestic servants, child minders or farm hands. Direct contacts with unsuspecting women responding to these advertisements were established by women, too, a ruse designed to impart credibility to a scam. In a number of cases things looked quite normal at the outset. Only some time afterwards would the women be stripped of their passports and forced into prostitution. The victims were not infrequently sold on to other criminal gangs and, consequently, changed their addresses which made more difficult the task of tracing them down.

126. Collecting the evidence of the culprits' guilt proved the stiffest task for the law enforcement organs involved in combating the exploitation of prostitution and trafficking in human beings. This was largely the consequence of the country's deportation policy procedures applied, in particular, to women from the former USSR, above all from Ukraine, as well as from Bulgaria and Romania. The public prosecutors handling such cases were aware that the overwhelming majority of the detained women were controlled by organized crime. However, their prompt deportation as illegal immigrants bearing no passports or valid visas made impossible bringing before the courts the evidence sufficient to convict the traffickers.

Article 7. Political and public life

Participation in elections

127. In the reporting period women and men enjoyed equal political rights: those with the voting rights were also eligible to run for parliamentary seats. Both the 1952 Constitution (Articles and 95 and 96) and the 1997 Constitution (Articles 62 and 99) enshrined the electoral rights of "every citizen" or of "a Polish citizen".

128. The numbers of women and men taking part in the parliamentary and local elections were about the same. In 1991 and 1997 the turnout of women was as good as that of men. In 1993 more women than men chose to stay at home (6%). Some more men took part in the local elections in 1994 (the difference was 7%).

129. In the 27 May 1990 gmina council elections women accounted for 15% of the turnout and 11% of female candidates won their seats. In June 1993 women accounted for 13% of all councilors nationwide and 19% of all local candidates.

130. In the October 1991 parliamentary election 42 women (9%) won their Sejm seats and 8 (8%) made it to the Senate. The number of female Sejm deputies thus dropped by 20 below the previous election figure; there were now two more women-senators. This served to corroborate the validity of the thesis that the number of female deputies in parliament falls when it gains genuine power (things looked similar in 1956). The elected women represented 12 of the 29 political parties and coalitions running for seats in the election. However, the representatives of only two of them – of the Democratic Union and the Democratic Left Alliance – accounted for 50% of all women in the Sejm.

131. Women would come forward with sporadic initiatives to compile lists of their own parliamentary candidates: the registered Women Groups' Electoral Committee "The Woman and the Family," however, failed to win a single seat, while the Electoral Committee "Coalition of Women against the Hardship of Life" fared better winning a single seat.

132. Right-wing parties failed to win seats in the September 1993 parliamentary election. The new Sejm and Senate included 60 (13%) and 13 (13%) women respectively. The women represented five of the eight successful parties and electoral committees. Just as in the previous election, the largest numbers of women ran on the Democratic Left Alliance and Democratic Union tickets.

133. None of the parties running in the 1993 or 1997 elections had regulated the inclusion of women in their parliamentary candidate lists, even though from 1994 some parties (such as the Labor Union) attempted to introduce quota systems into their internal structures. In addition to district party lists of candidates, the electoral system in the period covered by this report further included national lists of candidates compiled on orders from the leaderships wishing thus to acknowledge the services rendered to their parties by particularly "valuable" members. A "right" place on a party list guaranteed those candidates parliamentary seats even if they failed to win the sufficient number of votes in their respective constituencies. In the 1997 election, five of the ten parties did not have a single woman among their top ten candidates on their national lists, three gave women places among the top twenties, and the winning party (AWS) had female candidates among the top thirty candidates

134. In the 1997 parliamentary election six of the groupings put women in their electoral lists – on average 16% of them in the Sejm lists and 10.4% in the Senate lists. The Labor Union had more women than any other party in its lists (25%) , the Freedom Union – 19% and the Democratic Left Alliance 15%. One must emphasize that women were, on average, in the upper halves of more than 50% of all party and coalition lists submitted in the constituencies, if they were lucky to be included at all. However, the percentage of women in places 1-3 hovered between 7% and 28%. All told, 56 women won their Sejm seats and 13 made it to the Senate, which yields an average 13% for both houses of parliament. Most of the women made their way to the parliamentary: the Democratic Left Alliance (18.9%: 31 out of a total of 164 seats won by the Alliance), the Freedom Union (15%, 9 out of the 60 seats won) and to the "Solidarity" Electoral Action (10%: 20 out of 2001 respectively). In the Senate most of the women represented the Freedom Union (25%). The "Solidarity" Electoral Action and the Democratic Left Alliance each contributed slightly above 10% women-senators. There was one independent female senator.

135. In 1991 a cross-party Parliamentary Group of Women (PGK) was set up as an incipient institutionalized women's lobby. Apart from its legislative initiatives it played an extremely important role in integrating women's groups across the nation. In the 1993-1997 term of the Polish parliament 45 in 60 female Sejm deputies were members of the PGK and 7 (out of 13) lady senators representing 4 political parties (out of 5 with women-representatives). Legislative initiatives of the Parliamentary Group of Women centred around the task of updating the Family Code, pressing for easing up the child adoption procedures, critical of a proposal to institutionalize separation of spouses, and recommending facilitation of divorces. The PGK further suggested ways of making alimony-dodging fathers pay up, recommended amendments to the family-planning act, legal protection of unborn children and conditions under which an abortion could be performed for so-called "social reasons". The Group elaborated gender equality provisions, subsequently enshrined in the 1997 constitution. Also in 1997 a first-ever draft law on equal status of men and women was submitted to parliament which at the Group's initiative was signed by 196 deputies. After the first reading the draft was forwarded to a special commission which had failed to complete work on by the end of that parliament's term of office.

136. In 1997 a new Parliamentary Group of Women came into being, composed of 35 deputies and 4 senators, mostly representing opposition (left-wing) parties. In 1998 the draft law on gender equality was submitted to parliament again but it was rejected at the first reading at the motion of the ruling coalition. Similarly turned down was a motion a year later to set up a Commission for the Equal Status of Women and Men. In April 1998 a Forum for Cooperation of Non-Governmental Organizations with the PGK was established. The Forum represented a regular platform of contacts between non-governmental women's organizations and state structures.

Women in decision-making bodies

137. In the period covered by this report there were seven women-members of the Polish Government. Hanna Suchocka, the Prime Minister, was one of them (10 July 1992 – 24 October 1993). Women served on the consecutive governments as:

- the Minister of Culture and the Arts in the Tadeusz Mazowiecki government (1989-1991);
- the Minister of Industry and Trade in the Jan Krzysztof Bielecki government (1991);
- the Minister of Territorial Development and Building (1993-1996), the President of the Central Office for Housing Construction and Urban Development (1997) and President of Social Insurance Board (1995-1997) under the Prime Ministers Waldemar Pawlak, Józef Oleksy and Włodzimierz Cimoszewicz;
- the Minister of Justice (1997-2000), a Minister – Member of the Council of Ministers (1997-1999) and the Minister of Culture and the Arts (1997-1998) in the Jerzy Buzek government.

138. Women also performed other key functions. They served as:

- the General Inspector for the Protection of Personal Data (998, , appointed by the Sejm with the consent of the Senate)
- the Commissioner for Civil Rights Protection (ombudsman, 1987-1992, appointed by the Parliament)
- the President of the National Polish Bank (1992-2000, appointed by the Parliament)

One must further stress that in 1995 the President of the National Polish Bank ran for the presidency of the Republic of Poland, the only woman in Poland so far to have entered the race for the top job.

139. In the 1997's *The National Action Plan for Women* the government set the strategic goal of ensuring women equal access to and fuller participation in the structures of power and the decision-making process. The tasks set out by the Plan included:

- drawing up a special report on filling executive posts, with due account taken of those allocated to women and men, including in parliament and local government bodies;
- appointing in government administration organs persons responsible for monitoring the implementation of the principle of gender equality, also in filling managerial posts;
- increasing the participation of women in local and regional branches of the government administration, as well as in local government bodies;
- helping women on to higher levels of economic decision-making structures via further education.

Women's movement

140. The 1990s saw the nascence of a civic society in Poland, manifesting itself through, among other things, the emergence of numerous non-governmental women's organizations. The women's movement was not strong enough to exert a meaningful influence upon either government decisions or the legislative processes. It played, however, an important role in enhancing the public awareness of women's rights, in helping the women to realize the actual extent of their rights and how to claim them, in suppressing unemployment and in lending assistance to victims of domestic violence.

141. Some of the women's organizations ran occupational, legal and educational consultancies providing assistance to victims of violence or trafficking in women, or organizing support groups. Others focused their attention and strivings on raising the awareness of women through publications, meetings, media, as well as integration-related and information activities. The subject areas of their pursuits also varied – from popularization of the human rights vested in women, to their reproductive rights and economic themes – the latter primarily related to the struggle against the unemployment of women. They further included ways of stimulating women's spirit of enterprise, as well as handling domestic violence, and such themes as health, culture and encouraging women's participation in political and public life. The growth in the numbers of women's organizations is illustrated by table A.7.1 (annex). Very many women were committed to organizations other than women's NGOs. However, only few of them made it to the top levels of those organizations.

Article 8. International representation and participation

142. In the period covered by this report the percentage of women employed at the Ministry of Foreign Affairs looked as follows:

Year	Percentage of women employed at the MFA headquarters	Percentage of women holding managerial posts
1991	36.%	2.9%
1992	36.0%	3.7%
1993	38.2%	4.1%
1994	39.6%	4.0%
1995	39.4%	6.8%
1996	39.2%	5.4%
1997	41.8%	6.7%
1998	42.1%	6.2%

143. Poland's diplomatic and consular missions had the following percentage of women employees:

Year	Percentage of women employed in foreign missions	Percentage of female mission heads
1990	42.3%	3.3%
1991	44.4%	2.3%
1992	44.5%	5.1%
1993	44.2%	5.1%
1994	47.5%	6.4%
1995	42.8%	5.6%
1996	45.0%	6.3%
1997	46.2%	6.7%
1998	45.7%	8.5%

The number of women in the Polish diplomatic service has been growing slowly but continuously and consistently. The growth trend has likewise been conspicuous regarding the number of female heads of mission.

144. In the period under discussion Poland did not have any data on women included in delegations representing Poland in the international forum. The Central Statistical Office is the only institution among the government departments and central institutions with full 1991-1997 data to show that women accounted for 56.71% of all members of its delegations operating abroad. The medium figure for several major central institutions, put together from scraps of the 1997 data was 56.1%.

145. In the years 1991-1996 the United Nations Organization employed the following numbers of Poles:
1991 - 25 persons, including 8 women (32%)
1993 - 34 persons, including 13 women (38%)
1994 - 38 persons, including 11 women (29%)
1995 - 38 persons, including 11 women (29%)
1996 - 40 persons, including 11 women (28%)

146. In the reporting period the Government of the Republic of Poland did not spell out their own principles governing recruitment of staff to United Nations agencies and organizations. Neither did Poland accumulate data, categorized on the basis of gender, relating to employment in all international organizations.

Article 9. Nationality

147. All issues regarding citizenship were regulated in the period covered by this report by the 15 February 1962 *Law on Polish citizenship* (The Journal of Laws 1962, No 10 item 49 with subsequent amendments). None of its provisions discriminated against women in matters pertaining to acquiring, change or retaining of citizenship. Marrying a foreigner or a change of citizenship by a husband did not automatically result in a change of citizenship on the part of his wife. It did not render her stateless. Neither did it coerce her into assuming her husband's citizenship. The aforesaid provisions amounted to the implementation of international obligations assumed by Poland. These stemmed from the 20 February 1957 *Convention on the citizenship of married women* which Poland ratified on 12 May 1957 (Journal of Laws 1959, No 56 items 334 and 335). Some provisions of the Convention regarding the equal citizenship rights of man and wife had been set out earlier, in the 1951 Polish citizenship law (Journal of Laws 1951, No 4, item 25).

148. The regulations discussed below and concerning the simplified procedures governing the acquiring of a husband's citizenship by his wife were first set out in the 1962 *Law on Polish citizenship*. Pursuant to Article 10 of the law, an alien woman who married a Polish national acquired Polish citizenship if within three months of the wedding she stated her desire to become a Polish citizen before an appropriate Polish state organ, and the organ issued a decision confirming acceptance of her statement. The acceptance thereof could be made conditional on the submission by the woman of the proof of a loss of her foreign citizenship, or of having been released from it. On the other hand, Article 11 provided for a simplified return to Polish citizenship of a woman who had lost her Polish citizenship by acquiring foreign citizenship by marriage to a foreign national: such a woman could resume her Polish citizenship if - after divorcing her husband or having her marriage nullified - she made a statement to this effect before an appropriate Polish state organ. Pursuant to Article 14 of the 1962 law, a woman also had the right to renounce her Polish citizenship under a simplified procedure, whereby an appropriate organ accepted her statement conveying her decision to this effect (that rule applied if she had acquired a foreign nationality by marrying a foreigner or after the termination of her marriage to a Polish man). The simplified Polish citizenship acquisition procedure, one governing resumption of Polish citizenship, or renunciation thereof, was meant for women only. Men could benefit from general provisions only which were meant for all citizens, irrespective of their gender.

149. The *Law on Polish citizenship* further regulated the citizenship of the children, vesting in both parents equal rights vis-à-vis their offspring. In Poland, under *ius sanguinis* (blood right), a child acquired Polish citizenship by descent from his/her parents, at least one of whom was a Polish citizen. The parents – bearers of different passports – could select for their child either of the two different nationalities, be it Polish or foreign, this being conditional on their expressing their wish to this effect before an appropriate Polish state organ within three months of the birth of the baby. In the event of the parents' failure to agree on the nationality of their child, they had the right to seek the ruling of a court of justice on the matter. On the other hand, under *ius soli* (soil right), Polish citizenship was bestowed upon a child born "on Polish soil" of unknown parents, or on a foundling.

150. In the period covered by this report women were issued passports and could enjoy foreign travel without any restrictions whatsoever. Pursuant to the 29 November 1990 *Law on passports* (Journal of Laws 1991, No 2 item 5) having a passport was a Polish citizen's right irrespective of gender. Each person was issued one passport. The names of children under 16 travelling together with and in the care of the bearer of a passport could also be entered in the said passport. A child could be issued a passport solely upon a written consent of his/her parents or legal guardian. A court's decision was sought if the parents failed to reach a consensus on the matter.

Article 10. Education

151. The right to education and provision of compulsory schooling were guaranteed by the Constitution. This right was enshrined in Article 61 of the 1952 Constitution and the law made no distinction between the genders in this area. The right to education was implemented through free-of-charge and compulsory primary schooling and the sustained expansion of secondary general, vocational and university-level education. State assistance was also available to industrial workers and those employed by other urban and rural work establishments wishing to raise their qualifications. That assistance took the form of state grants and scholarships with places provided at student hostels and dormitories to "children of workers, peasants and the working intelligentsia".

152. The new Constitution, in force and effect since 1997, provided for compulsory education up till the age of 18 for everyone irrespective of gender. The Constitution guarantees free-of-charge primary education to all. Next it makes public authorities duty-bound to ensure all of the country's citizens universal and equal access to education by creating and sustaining financial and organizational support systems for all pupils and students. The Constitution further guarantees individual citizens and corporate interests freedom to set up primary and secondary schools, university-level educational institutions and child-and-youth-care establishments. No distinction is drawn between the sexes in guaranteeing both men and women the right to participate in the implementation of the country's educational policy. The 1997 Constitution contains two articles spelling out gender equality in education:
Article 33.2 Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations.
Article 70.4 Public authorities shall ensure universal and equal access to education for citizens. To this end, they shall establish and support systems for individual financial and organizational assistance to pupils and students. (...)

153. The 7 September 1991 *System of Education Law* was a leading legislative instrument regulating education in Poland (Journal of Laws 1996, No 67 item 329). Article 1 of the law ensures each and every citizen, in particular, the right to receive education and be raised in a manner appropriate to his/her age and developmental standards achieved, as well the right to pursue his/her education at the university level. In the period covered by this report access to primary schools was the same for boys and girls which was the consequence of compulsory primary schooling in Poland. Equal availability of vocational secondary education to both sexes was also guaranteed. According to the vocational secondary school statistics, in the years 1991-1997 girls accounted for 47.3% of all students (50.2% of all leavers), 22.7% of technical school students (23.6% of all leavers). No programs were available, however, to promote untraditional or unconventional careers for girls.

154. Table A.10.1 (annex) illustrates the participation of women in the country's university-level system of education in the years 1991-1998. The period in question witnessed a steady growth in the share of women which topped the 57% mark. Most female students read pedagogy (76.8%) and an even higher percentage of women took their degrees at pedagogical institutes. There were

also conspicuously more female students at medical, economic and artistic academies, even though the percentage of medical graduates looks less impressive. There were fewer women than men attending engineering, maritime and physical training academies (table A.10.2 – annex). Still, the findings of sociological studies conducted in the years 1995-1997 indicate that 70% of Poles supported the contention that men needed university diplomas more than women.

155. Generally, men and women in Poland could pursue academic-level studies on the same principles. Preferential treatment men had enjoyed in the past as candidates for medical academies was successfully challenged as discriminatory before the Constitutional Tribunal in 1995 and the practice was then discontinued. However, police and military schools did not apply the principle of gender equality to recruitment of men and women: the Police Academy had imposed a quota system on prospective female students. On their part, the Military Engineering Academy and the Military Medical Academy did not enroll women as students at all on grounds of lack of executory provisions to enable them to put into effect the *1992 Law on higher military schools*. Women attending these academies accounted for only a negligible percentage of all students.

156. Both rural and urban children were guaranteed a full and equal access to primary and secondary education irrespective of their gender. There were more children in the country than in towns and cities. In 1997, the under-24 group of children in rural areas accounted for 39.7% of the community, the figure for Polish towns and cities being 36.2%. The question of provision of education in rural areas was discussed in detail in the report on the implementation of Article 14 of the Convention.

Curricula and learning conditions

157. School curricula and education-provision programs were the same for pupils of both sexes, as were framework teaching plans[16] and examination standards[17]. Also the teaching staffs, classrooms and classroom furniture were the same for girls and boys. Schools were coeducational: both sexes were educated together. Physical education was an exception: there were separate lessons for boys and girls. The country's system of education also includes non-public schools, namely, private, social and denominational schools, very few of which happen to be coeducational. All types of schools, however, are obliged to pursue curricula set on the same programmatic foundations.

158. Although teaching programs and school curricula did not project harmful role stereotypes of women and men, these could quite frequently be spotted in textbooks. Boys and girls, as well as women and men in the textbooks were presented doing quite different things: the girls were usually involved in all kinds of household chores, while boys, being broadminded and focused on

---

[16] The 25 August 1995 Ministry of Education Order 10 concerning framework teaching plans for public primary vocational and secondary vocational schools providing education to young people and adults (Official Journal of the Minister of Education 1995, Issue 6 item27)

[17] The 20 January 1993 Ministry of Education Order 1 concerning the rules governing examinations meant to test students' proficiency in vocational subjects (Official Journal of the Minister of Education 1992, No 1 item 4)

their life plans, were indulging in more attractive pursuits. Only to a limited extent did the traditional family model thus promoted tackle societal problems and manifestations of discrimination children and youth had to live with every day.

159. Till 1992 only one textbook had been in use per subject nationwide. On 8 June the Minister of Education issued a decree No 18 authorizing teachers to choose alternative textbooks. The decree, however, did nothing to bring to a halt the spread of negative female and male role stereotypes. This underlined the urgency of a review of the contents of school textbooks to make them consistent with the provisions of the Constitution. A new, appropriate training program for teachers had also become necessary.

160. Welfare benefits for children are a form of subsistence support lent to families of modest means. The benefits also help improve the availability of education to poorer children and youths and make possible the implementation of the full secondary education dissemination plan. Pursuant to Article 91 paragraph 1 of the *System of education law*, a school student has the right to material assistance funded from the state or *gmina* (local government) budget[18]. And this goes both for public and private school students. Boys and girls can become eligible for benefits awarded under identical criteria. In the period covered by this report, benefits took the form of: social welfare grants, grants for good achievers (including scholarships awarded by the Prime Minister, the Minister of Education, the Minister of Culture and Art), charge-free accommodation in student hostels, free meals offered in school canteens, refunds of board-related expenses and emergency benefits.

161. Given the poor financial condition of the country's educational system, the application of the existing welfare system ran up against problems while the actual range and effectiveness of the grants system was constrained by the resources the schools and welfare institutions could afford to put forward. In 1997 at the request of the Minister of National Education , a 2.73 mln USD reserve fund was set aside in the state budget with the purpose of alleviating the poverty of children and youth. That fund was doubled in the following years.

162. Daytime students at free-of-charge public universities are also awarded scholarships under the same rules, with no distinctions between the sexes. Applicants for social welfare grants are means-tested. Achievement scholarships, as the name implies, go to good achievers. In the period covered by this report, the data on the numbers and amounts of scholarships awarded were not segregated along the gender lines.

163. Adults wishing to complete their primary, general secondary, technical and vocational education can do it in Lifelong Education Centres free of charge. Both women and men enjoy equal access to these centres which explains the illiteracy – - hovering around the level of 1% of the population and mostly concerning old people in Poland.

---

[18] The procedures under which students could apply for scholarships, grants and other benefits, as well as the amounts of grants awarded were set out in the 4 August 1993 Council of Ministers Ordinance (Journal of Laws 1993, No 67 item 350 with subsequent amendments).

164. Girls are known to have dropped out of school (before completing their obligatory education) only very rarely in the period under discussion. Those that did it were predominantly Roma girls, this being explained by the cultural tradition of the Roma community which does not put much value on the education of girls. There were no data on pregnancies (or the need to help adolescent expecting mothers) as causes of girls leaving school. School directors are duty-bound, pursuant to the 7 January 1993 *Law on family planning, protection of the human fetus and conditions of permissible abortion* (Journal of Laws 1993, No 17 item 78 with subsequent amendments), to lend support to pregnant students in order to enable them to carry on with their studies.

165. There are no restrictions in Poland on girls' access to physical education lessons or sports-related pursuits. In the period covered by this report many schools ran their own sports clubs propagating sports among both girls and boys.

Sexual education

166. The *Law on family planning, protection of the human foetus and conditions of permissible abortion* imposed on schools an obligation to introduce into their curricula tutorials on the sex life of the human being, on principles governing informed and responsible parenthood, family values, the prenatal phase of life and measures serving planned procreation. Up till 31 January 1998 when the law on universal health insurance went into effect information and consultations on family planning were offered by gynecologists and local community midwives employed by outpatient clinics for women. Article 4 of the aforesaid law puts the Minister of National Education under an obligation to introduce *Knowledge of the sexual life of the human being* as a separate subject into school curricula.

167. The report on the first year under the new law, submitted by the Minister of National Education to the Sejm, highlighted shortcomings in the implementation of the sex education program. These included an acute shortage of handbooks, teaching aids and properly trained teachers. The faulty implementation of the said law aggravated the situation of girls who were predominantly the only ones to bear the consequences of their unwanted pregnancies. The need to introduce to schools of all levels a proper program and textbooks matching the contemporary level of knowledge of the sex life of man and recommending modern, medically approved family planning methods and contraception is still to be fulfilled.

Article 11. Employment

Ban on gender discrimination in work relations

168. Article 65 of the 1997 Constitution guarantees everyone the freedom to choose and pursue his/her occupation and to choose his/her workplace adding that exceptions to this rule shall be specified by statute. Article 66 adds that everyone shall have the right to safe and hygienic working conditions. The Labor Code is more specific when it says that everyone shall have the right to pursue a freely selected occupation (Article 10) and that the equal rights of employees come in the wake of their equally shared responsibilities. Up till 1996 the Labor Code did not provide for gender equality. The major statutory updating of the Labor Code on 2 February 1996 *(The Law amending the Labor Code and some other laws* – The Journal of Laws 1996, No 24 item 110) resulted in some new articles being added thereto. Article 11 enjoins employers to treat men and women identically whereas Article 11 prohibits discrimination in workplace on the basis of gender, age, disability, race, nationality, beliefs – especially political or religious – and trade union membership. The employer was further ordered to respect the dignity of his employees in what was the first provision of this type to be inserted in the Code (Article 11).

169. In its 10 September 1997 ruling (registered as I PKN 246/97) the Supreme Court asserted that under the said provision it was "unlawful to deny the employees their employment contract-guaranteed rights, or to restrict them, or offer them unequal treatment on the basis of gender, age, disability, nationality, race, beliefs – especially political or religious beliefs – or membership in trade unions". It was likewise against the law to allow some employees, for the same reasons, lesser rights than those enjoyed by other employees who actually happened to be in the same legal situation.

170. The rules governing the conduct of both the employees and the employer at a workplace enshrine the following general norms:

☐ The obligation to help employees raise their professional qualifications is spelled out by Article 94 paragraph 6 of the Labor Code which reiterates the principles expressed by Article 17 of the Labor Code;

☐ Labor law provisions do not regulate employee promotion, leaving the issue to possible in-house regulations of each work establishment;

☐ The right to choose freely one's employment is the basic principle of the Labor law;

☐ Remuneration for work should be fixed at a level corresponding to the type of job and qualifications required of a staff member to perform it properly. The person responsible for doing the actual fixing must also take into account the volume and quality of the work done and ensure that the remuneration is indeed decent (Articles 13 and 78). Under Article 29 of the Labor Code, it is the duty of the work-contract parties to fix the level of the pay which may not fall below the minimum pay defined by statute.

171. Employees are protected against discrimination under different procedures. These are applied when the non-discrimination ban has been breached by a legislator or an employer.

172. Constitutional provisions deliver protection against a legislation that would breach the principle of non-discrimination. Pursuant to the 1 August 1997 Law on the Constitutional Tribunal (Journal of Laws 1997, No 102 item 63 with subsequent amendments), the Tribunal is empowered to declare null and void a law that is inconsistent with the Constitution, more specifically with Article 32 thereof. An employee who believes his interests have been harmed by the management, applying a discriminatory regulation, can take the matter to court. Should that prove ineffectual, he can file a constitutional complaint with the Constitutional Tribunal as the last resort (Article 46 of the Law on the Constitutional Tribunal).

173. Under the Labor Code a refusal to employ a person for reasons perceived as discriminatory offered no grounds either for laying a claim to the job or demanding damages from the employer. However, giving an employee notice of termination of the job contract for the aforesaid reasons carried legal sanctions for unwarranted contract severance (Articles 44 and 45). A serious breach of the ban on employment discrimination could also furnish grounds for termination by an employee of a job contract without notice (Article 55 paragraph 1 of the Labor Code). A breach of the ban on job discrimination did not under the provisions of the Penal Code constitute a crime against the rights of people in gainful employment; neither did it constitute an offence against employee rights. Therefore the National Labor Inspectorate, a statutory institution with ample power of supervision and control of observance of Labor law across the whole spectrum of work establishments had no legal foundation on which to base its interventions into cases of violation of the ban on discrimination. Only discriminating against an employee on the basis of his/her membership in a trade union, his/her refusal to join a union or his/her performance of union-related functions (the 23 May 1991 law on trade unions) was subject to a fine or restriction of freedom.

Government programs

174. In its *Women and the economy* chapter, *The National Action Plan for Women – the 1st stage of implementation up till 2000* laid down conditions for implementation of the economic rights of women to make real their economic independence. The program highlighted the question of women's access to employment, gender discrimination-free working conditions and sexual harassment as a particularly acute form of gender discrimination. The program further focused on ways of countering segmentation of the Labor market and its segregation along gender lines, on the need to level off differences in pay between women and men and lend support to women's business initiatives both in urban and rural areas. Supporting women in their strivings to reconcile their roles as professionals, wives and mothers, promoting flexible forms of employment and countering feminisation of poverty – all these measures were designed to supplement strictly market-oriented activities. The 1998's election and the subsequent re-prioritizing by the new government of the previous government's objectives brought to a halt the pursuit of most of the tasks set out in *The National Action Plan for Women.*

Process of recruitment

175. The 28 May 1996 ordinance by the Minister of Labor and Social Policy on the range and scope of employment-related documentation and staff personal files (Journal of Laws 1996, No 62 item 286 with subsequent amendments) lists the documents an employer can ask a prospective

employee to submit. An employer cannot demand of a woman seeking employment a medical certificate giving an assurance that she is not pregnant, and this even when he/she is looking for a candidate for a job which is normally off limits to pregnant women (as instructed by the *index of jobs women are prohibited to take* – this being an annex to the 10 September 1996 ordinance of the Council of Ministers – Journal of Laws 1996, No 114 item 545 with subsequent amendments). It is up to a doctor to determine whether a woman is physically fit for the job she is interested in taking.

Positions off limits to pregnant women

176. The work safety regulations applicable in the period under discussion virtually drew no distinction between men and women employees. An exception was provided by Article 176 of the Labor Code, written into the chapter devoted to the protection of women in gainful employment. The article expressly forbade employing women in jobs considered harmful to their health. The jobs were listed in the aforesaid *index of jobs women are prohibited to take*, functioning in the Polish legal system since 1979. Although the 1996 ministerial ordinance eased off considerably restrictions on women seeking access to many jobs previously regarded as harmful to their health, it did not waive the "protective" approach to the work of women. The 1996 version of the index provided a catalogue of jobs recognized as dangerous both to the procreative health of women and to that of their offspring. The jobs in question involved considerable expenditure of physical effort, exposure to heightened noise levels, vibration, electromagnetic and UV radiation, pressure, active biological agents and chemical substances. They further involved work underground and at heights. Most of the easier norms applied only to pregnant and breast-feeding women. Some prohibited job categories, however, especially those involving strenuous physical effort, applied to women in general. The ordinance upheld the ban on women's work in underground mines.

Wages

177. The Labor Code does not distinguish between the remuneration of women and men. Article 13 makes a reference to a worker's right to decent pay, whereas Section III of the Code sets out pay-calculation rules (Articles 73-78) falling short of indicating the gender of employees. The Code defines an employee as "an employed person" which precludes pay segregation (Article 2). Despite the statutory guarantees of equality, however, in the period covered by this report women usually received lower-ranking positions with lower pay, taking home on average just 81% of the amounts paid to men on comparable jobs (see: annex, table A.11.1.). In the years 1990-1998 there were no laws for employees to bring before industrial tribunals charges for discrimination, or compensation claims for loss of earnings inflicted on them by the employers dismissive of the obligatory gender-blind approach to pay. The 24 August 2001 law (Journal of Laws 2001, No 128 item 1405) amending the Labor Code, effective as of 1 January 2002, set out regulations eliminating these loopholes.

Protection of pregnant women

178. The Labor Code surrounds pregnant women with particular care. The employer is not allowed to give a woman notice or unilaterally terminate her job contract during pregnancy or maternity leave, unless the circumstances of her making warrant her dismissal without notice and

her trade union organization is prepared to support the severance of the contract (Article 177 paragraphs 1-4). This protection would be denied only to women on a one-month trial period. A job contract involving the performance of a specific task, or concluded for a specified period of time, or for a probationary period in excess of one month, which would have been terminated after the third month of pregnancy, shall by force of law be extended until childbirth.

179. There are some exceptions to this regulation. A work contract can be terminated during an employee's pregnancy or maternity leave, or if an enterprise goes bankrupt or is under liquidation (the 28 December 1989 *Law on exceptional principles governing termination of job contracts with employees for reasons concerning the work establishment*). A pregnant woman whose job contract has been terminated – in consultation with the trade unions - for one of the above reasons and who has not been found another job is entitled to a benefit to be paid to her until childbirth. The benefit is the equivalent of the statutory maternity benefit (Article 33 of the 17 December 1974 *Law on disbursals of social insurance sickness and maternity benefits*, as amended on 25 June 1999 – Article 30 paragraph 3). Should redundancies or enterprise restructuring make it impossible for pregnant women to hold on to their jobs, the enterprise can only deny them their work and pay conditions. Should this result in a loss of pay, the expecting mother would be entitled to a compensation benefit to be paid to them till the end of the special pregnancy-protection period. A pregnant woman as well as mothers caring for under four-years-old children cannot be made to take overtime, to work night shifts or to be sent, without her consent, to work away from her regular workplace (Article 178 paragraph 1 of the Labor Code. In the event of existence of medical or statutory counter-indications to a pregnant woman continuing in her hitherto post – see: the *index of jobs women are prohibited to take* – her employer is obliged to transfer her to another job (Article 179) without loss of pay; the woman would then be guaranteed a return to her previous position (Article 179 paragraph 3).

Maternity leave

180. Under labor law and social insurance provisions, a woman is entitled to a 16-week paid maternity leave after the delivery of her first child, and to 18 weeks for each consecutive child (Article 180 paragraph 1 of the Labor Code and Articles 32-33 of *the Law on disbursals of social insurance sickness and maternity benefits*). In the event of a multiple pregnancy – a 26-week maternity leave is the norm. The maternity leave is not just a woman's right – it is also her obligation. She cannot give it up. Also a woman who has assumed the duties of a foster mother can apply for a childcare leave set along the lines of maternity leave (Article 183 paragraphs 1 and 2 and Article 189 paragraph 2 of the Labor Code). During her leave a woman is paid a maternity benefit – 100% of her pay – plus a one-off delivery benefit (Article 30 paragraph 1 of the 1974 *Law on disbursals of social insurance sickness and maternity benefits*). A woman is entitled to a maternity benefit irrespective of her marital status.

181. A child-raising leave can run up to three years in duration, until the child is 4 years old. At the request of the mother, her employer is obliged to grant her such a leave (Article 186 paragraph 1). Should both parents be in employment, a child-raising leave would be available to the father as well, but not to both parents at the same time (Article 198 paragraph 1 of the Labor Code and paragraph 21 of the 28 May 1996 Council of Ministers *Ordinance on childcare leaves and benefits*). The child-raising leave is an unpaid leave. An employee on such a leave is entitled

only to a childcare benefit drawn from the Fund of Social Insurance, and paid out in the form of income support (with per capita income in the family no higher than 25% of the average take-home pay). It is, as a rule, paid out to the parent who makes a lesser contribution to the family budget. That parent in most cases happens to be the woman. Child-raising leaves are available also to female or male employees on temporary job contracts, those involving performance of specific tasks, or concluded for a specified period of time, or accepted for just a trial period. They can be sought by employees who have been given notice. In the latter case, the leave will run up to contract termination date only.

182. The *child-raising leaves and benefits* ordinance provisions enjoin particular protection of an employee on child-raising leave in the run-up to job contract termination. The remaining parenthood protection regulations include a ban on unsolicited overtime covering persons taking care of children up to four years of age, a ban on transfers to posts outside an employee's place of permanent residence, and a two-day leave a year (Article 189 paragraph 1).

183. Articles 188 and 189 of the Labor Code give both men and women busy raising at least one child up to the age of 14 the right to an extra two-day paid leave in a year. Only one of the parents (guardians) can actually avail himself/herself of it. Pursuant to Article 39 of the 17 December 1974 *Law on disbursals of social insurance sickness and maternity benefits*, as amended in March 1995, both parents have the right to identical care benefits to help them look after a sick child up to the age of 14, or another sick dependant (in previous periods such benefits were also available to single fathers). Parents of children up to eight years of age are also entitled to care benefits. These benefits are designed to help them handle an unanticipated closure of a crèche, kindergarten or school, or the birth of a new baby or the sickness of a spouse or partner normally looking after the children (Article 35). The benefit is paid for up to 60 days in a year when care is expended on a child, and for up to 14 days for another dependant in need of care and attendance (Article 37). However, the benefit is denied when other members of the household are there to attend to a sick child or another dependant (this restriction does not apply to a working mother looking after a child of up to the age of 2 – Article 38). In 1995 care and sickness benefits were cut from 100% to 80% of the monthly wage.

184. Child protection-related regulations give a breast-feeding mother the right to two 30-45-minute breaks, depending on the number of children she has to feed (Article 187 paragraph 1). The statutory feeding breaks can be combined into a single break.

Control of employee rights

185. Implementation of labor regulations is monitored by the National Labor Inspectorate, an institution accountable to the Sejm (the Inspectorate's performance of its statutory obligations being supervised by the Labor Protection Council). It was set up to exercise evaluative supervision of the practical realization of Labor market regulations. It further focuses on the observance by employees of the rights of gainfully employed women, with due attention being given to breast-feeding breaks (irregularities in this regard are very few and far between – only rare instances thereof have in fact been registered). Control findings recorded over the years point in no uncertain terms to an invariably low percentage of employees responsible for breaches of women's Labor protection regulations. In most cases these were linked to imperfections detected in corporate catalogues of the jobs declared off limits to women. However, such shortcomings exercised no influence whatsoever on the truly negligible figures of women indeed holding prohibited jobs.

Sexual harassment at a workplace

186. In the period covered by this report, there were no statutory regulations to directly address sexual harassment at a work place. However, of some relevance to this issue were the following regulations:

- ☐ Articles 11^1, 11^2 i 11^3 of the Labor Code making the employer duty-bound to respect an employee's personal dignity and other rights, to respect his staff's equal rights and refrain from discrimination. However, those were general-sounding and hardly applicable provisions;
- ☐ Article 94 paragraph 4 and Article 15 of the Labor Code making the employer duty-bound to deliver safe and healthy working conditions;
- ☐ Article 23 and 24 of the Civil Code furnishing legal grounds for the prosecution of cases concerning protection of personal dignity and rights. These grounds were sufficient for an employer, or a person responsible for sexual harassment in a workplace, to be sued for damages;
- ☐ Article 199 of the Penal Code referred to, among other things, taking advantage of one's position at a work place to sexually abuse subordinate employees or to exploit their difficulties with this aim in view; these offences were punishable by up to three years in prison.

187. The absence of regulations specifically addressing the issue of sexual harassment explains the lack of the relevant data for the period under discussion: these were registered neither by the National Labor Inspectorate nor by industrial tribunals.

Pension system

188. In the period covered by this report the retirement age was 60 for women and 65 for men. Most women availed themselves of the opportunity to take early retirement which – as indicated by public opinion poll findings in the nineteen nineties - was viewed as a privilege. However, in its judgment of 24 September 1991 (K5/91), issued in response to a complaint filed by a female research scholar, the Constitutional Tribunal pointed out that women should regard early retirement as a right and not an obligation to quit a job. In the Tribunal's opinion, the said regulation, when applied coercively to women unwilling to retire at the age of 60, gets transformed from a right into a constraint imposed on the rights of women.

189. Given the mounting unemployment in 1990-1992, the state actually encouraged taking early retirement: women and men could retire, whatever their age after, respectively, 35 and 40 years in employment and trade unions welcomed this measure as an opportunity for collapsing industries. Therefore it was not unusual for a woman to retire at 51, even on a lower pension which early retirement entailed. Then, one could retire and carry on working. Generally it was easier to opt for remaining in employment, than to come out of retirement and return to work.

190. Only in the second half of the 1990s did the country's trade unions begin to regard early retirement, combined with gainful employment, as bad for both the ongoing war on unemployment and the amounts of individual pensions. Now the government's earlier proposals to give early-retirement group-redundancy pensions the status of pre-retirement allowances have received a supportive hearing. Today the allowance is somewhat lower than the retirement pension while some limits have been imposed on combining the former with work.

191. The earnings-related pension system, effective from 1998, was redistributive in nature: pensions were reduced in step with the growth of earnings. However, given their lower earnings, lower retirement age and, therefore, shorter contributory seniority, women received lower pensions. Pensions were calculated on a contributory and non-contributory (for instance, taking into account unpaid child-care leave) basis. As women, generally, tend to provide care for the children more often then men, the resulting extension of their non-contributory periods deepens further the differences in retirement pensions paid to women and men.

192. Unemployment benefits, sickness benefits, invalidity benefits and holiday benefits are awarded under general, gender-neutral rules. A beneficiary's marital status is without significance here, either (widow's benefits being the exception). As women's earnings and retirement or disability pensions are generally lower than those of men, a beneficiary's gender may influence indirectly the composition of the community of beneficiaries of earnings-related social security benefits.

Institutional child care

193. The period covered by this report witnessed a conspicuous decline in live births, much below the level recorded during the baby boom of the eighties. Local authorities obliged to finance kindergartens reduced their numbers by 31% while expanding those that had survived the cuts. Consequently, the number of places per 1,000 children in kindergartens catering for 3-6year-olds had grown by 6%. This process, however, did not unfold evenly across the country: in the said period the number of rural pre-school facilities had dropped by 42% which, combined with existing transport barriers, raised new problems for village families anxious to take advantage of existing social services. At the same time the Ministry of Health closed down 58% of crèches, reducing the number of available places by 69% (some of these crèches were replaced by crèche-type wards attached to kindergartens). The period under discussion was marked by closures of all company-level social services (including kindergartens run by enterprises) unrelated to the companies' pursuit of economic objectives.

194. Natural or foster parents bore only part of crèche or kindergarten expenses. Although contribution towards the costs of running such facilities was earnings-related, many parents found the outlays involved quite prohibitive. Therefore some places in both kindergartens and crèches remained unfilled by babies (4% in the former and 20% in the latter). This phenomenon was accompanied by the falling numbers of women taking unpaid child-raising leaves. In 1994 the number of such women dropped 2.6-fold below the 1989 level, with another 18% opting not to take such a leave in the years 1995-1997.

195. Primary schools ran day-care pre-school and post-school facilities for children. These were essentially free of charge but parents were expected to make small, informal contributions towards the purchase of paints, brushes, games, toys and the like.

Gainful employment versus unemployment

196. Curbs imposed on institutionalized child care failed to affect the levels of employment of women. Since the records of the unemployed began, women have constituted a majority within this group of people (this trend was sustained in the period covered by this report). At the same time women's commitment to gainful employment displayed a falling trend – 46% in 1995 and 45.7% in 1998 (see: table A.11.2. – annex) which also impacted upon employment levels. In 1992-1998 the general employment index dropped from 53% to 46%, the corresponding figures for women being 51% and 44%. Passive attitudes to employment were also on the rise: they were displayed by 38% of the population in 1992 and 43% in 1998, women accounting for, respectively, 46% and 50% of those figures. The steepest growth of unemployment was registered in 1993 (with 16.5% of women and 13.6% of men laid off). The improved economic situation in the following years helped to reverse this trend, with the figures dropping to 12.2% and 9.3% respectively. Towards the end of the period covered by this report about the same numbers of women and men left the registers of the unemployed. However, the shrinking of the unemployment area was the consequence of, among other things, a flight from an unstable Labor market into earlier old-age and disability retirement.

197. Article 65 of the Constitution states the following: "Public authorities shall pursue policies aiming at full productive employment by implementing programs to combat unemployment, including the organization of and support for occupational counseling and training as well as public works and economic intervention." Pursuant to Article 3 of the 14 December 1994 *Law on employment and countering unemployment*, the state's Labor market and unemployment-related policies shall be pursued by the minister of Labor assisted by local government bodies.

198. Powiat (County) Labor Exchanges were at the forefront of struggle against unemployment putting the jobless and those on a lookout for better employment in touch with employers. Their services were open, transparent, free of charge and accessible to both employment seekers and employers. The aforesaid *Law on employment and countering unemployment,* in force and effect in the period covered by this report, guaranteed everybody access to offers and services irrespective of their ethnic origin, membership in social and political organizations, gender, religion and other circumstances. It also contained provisions guaranteeing the country's citizens equality - irrespective of their race, ethnic origin, gender and religion – in benefiting from brokerage and consultancy services offered by powiat-level Labor exchanges (Article 12 paragraph 2 subparagraph 3 and Article 17 paragraph 2 subparagraph 3).

199. In view of high unemployment, paragraph 5 of the 21 March 1995 Ordinance of the Minister of Labor and Social Policy *on detailed principles governing the organization of economic intervention works and public works, and on advance payments for and financing of public works* enjoins giving priority to long-term unemployed and single parents in directing them to work on economic intervention and public-works projects.

Working conditions

200. Women predominated among part-time employees in the period under discussion. To give some examples, in 1995 they accounted for 45.4% of full-time employees and 57.3% of part-time employees. In 1998 the full-time to part-time employee ratio was about the same: 44.7% and 55.7% respectively. There were no figures of women's share of the cottage industry. No research was conducted at that time into other ways of imparting flexibility to the labor market apart from keeping part-time employment on stream.

201. In Poland some industries and market sectors have traditionally been perceived as female preserves. These are, among others, education, health care (nurses and pediatricians), as well as food-processing and light industries. This explains the stereotypical association of some occupations with women (nurse, secretary, seamstress) or with men (miner, lorry driver, sailor). Women predominate in the services sector, men in the manufacturing and construction industries.

202. The one-off research into the unofficial, unregistered segment of the labor market, carried out in 1995, pointed to much more men than women taking up employment in what was popularly known as the "grey zone". If women ventured into this zone at all, they were mostly up to 24 years of age or over 60 (see: table A.11.3 – annex).

203. Being just a housewife is looked down upon in Poland as evidence of occupational inactivity, unless going about household chores has a linkage to duties associated with maternity leave. What is more, household work, unsupported by a formally concluded contract, gives a woman no entitlement to social security benefits. In such circumstances, she gets the social security coverage from the person who supports her. Household duties of women are not taken into account in GDP-related calculations.

Women in the trade unions

204. Freedom to join trade unions is guaranteed by the Constitution. Under Article 12 of the Constitution, "the Republic of Poland shall ensure freedom for the creation and functioning of trade unions, socio-occupational organizations of farmers, societies, citizens' movements, and other voluntary associations and foundations." Freedom to join trade unions and other union-related freedoms, however, are subject to statutory constraints within the meaning of international agreements to which Poland is a party.

205. Female membership of trade unions can only be established by rough estimate: the union records do not indicate their members' gender. But the two major union organizations, the OPZZ and the "Solidarity" maintain that their memberships are generally characterized by gender equilibrium, the exceptions being the health service or mining unions, dominated by women and men respectively.

Article 12. Equality in access to health care

Legal guarantees of health protection

206. The right to medical care has been guaranteed both by the 1952 and the 1997 Constitution. Article 68 of the latter says that equal access to health care, financed from public funds, shall be ensured by public authorities to citizens, irrespective of their material situation. Moreover, paragraph 3 of the said article highlights the public authorities' duty to deliver special health care to children, pregnant women, handicapped people and persons of advanced age.

207. Health care-related issues are handled by statute while detailed regulations are laid down in the executory ordinances of the Council of Ministers, the Minister of Health and other government department chiefs indicated by statute. The most important legal regulations in the period covered by this report, which were crucial for the implementation of this Convention by Poland were those on *health care establishments* and *on protection of the human fetus and conditions of permissible abortion.*

208. The 30 August 1993 law *on protection of the human fetus and conditions of permissible abortion*, (Journal of Laws 1991, No 91 item 408 with subsequent amendments) regulates the functioning of medical care establishments, defines the notion of "health care benefit" and lays down the gender-neutral rights of the patient to health care benefits matching the standards of medical science; it further regulates provision of information on the state of a patient's health and access to the medical documentation; giving (or denying) consent to specific medical services, the privacy and dignity of providing the said services, and the privacy and dignity of dying. A patient's consent is required for a surgery or in execution of invasive diagnostic procedures. A parent or a guardian's written consent is required for the surgical treatment of a child, a person in a coma or a legally incapacitated person.

209. The 7 January 1993 law *on e protection of the human fetus and conditions of permissible abortion* (Journal of Laws 1993, No 17 item 78), is the 17 May 1991 Sejm resolution carried into life (the resolution had put the government under an obligation to draw up an action plan to enhance the effectiveness of mother, child and family care and to work out sex education programs for schools in order to prepare students for family life). The law's provisions address the specific maternity-related and procreative needs of women and spell out health-care and social welfare-duties of central and local government bodies. They also regulate termination of pregnancy, down to the provision of penal sanctions awaiting those being in breach of these regulations. Moreover, the law enjoins the introduction into school curricula classes on the sex life of man, on parenthood as well as means and methods of informed procreation. More details about that further in this Article.

210. Issues related to social health protection are further taken up by the following Polish documents, setting out relevant action programs, as well as international documents ratified by Poland:

☐ "National Health Program for the years 1996-2005," adopted by the Council of Ministers in 1996.,
☐ Program "The Security and protection of man in the work environment" (I stage 1995-1998),
☐ the National Program for Prevention of HIV, Care for HIV Carriers and AIDS patients. (I stage 1996-1998),
☐ UN Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979, recognised by the Council of State in 1980,
☐ The final document of the United Nations Fourth World Conference on Women Beijing 1995, "The Action Platform" adopted by the Council of Ministers in 1995,
☐ The National Program of Activities for Women till 2000, adopted in 1997,
☐ The European Social Charter, adopted in 1997,
☐ Guidelines of the World Health Organisation.

211. The Constitution says that citizens of the Republic of Poland have equal rights irrespective of their gender, birth, education, occupation, nationality, social background and social status and this promise is, generally speaking, being delivered upon in the area of legal guarantees of women's access to medical care. Different medical services available to women (gyneacological services, care of pregnancy) stem from the obvious anatomical and morphological differences between the sexes, the provision of these services being consistent with international standards. Differences in the availability of the said services and access to top-level medical expertise stem from both the uneven distribution of medical facilities nationwide (there are fewer of these in rural areas) and the poor financial condition of the health protection system. One must stress at this point that the health care of women in Poland is generally inadequate as it does not meet the needs - specific to their gender - outside the childbearing stages of their lives.

Access to health care

212. The economic transformations sweeping across the country in the period covered by this report exerted a very serious, negative impact on the state budget which resulted in cuts in social outlays, including in those on budget-financed health care. Outlays on health protection fell from the 4.7% of GDP in 1991 to 4.22% in 1998. The deteriorating economic situation brought in its wake a diminished availability of health services as evidenced by, among other things, a drop in the numbers per capita of medical consultations provided, namely, from 5.8 in 1990 to 4.9 in 1998 (these statistics take no account of the medical specialities involved or the patients' gender).

213. The number of hospitals went up in the said period, in step with a fall in the number of outpatient clinics (both in town and country) and rural maternity wards. On the other hand, the number of pharmacies and their staffs increased conspicuously (the number of pharmacists per 100,000 people went up by 25% in five years' time) – the process triggered by the vigorous privatisation of pharmacies. Also the numbers of physicians, nurses and midwives kept growing while the dentist and paramedic communities visibly shrank. One must stress at this point that some branches of the medical profession and social services are immensely feminised in Poland: in 1991 women accounted for 81.5% of all medical and social workers, with only 9.1% of them in managerial and executive positions. In late 1996 there were 727 hospital beds and 89 psychiatric ward beds per 100,000 people in Poland. More than 15% people were hospitalised in the period under discussion, meaning one in every seven Poles.

214. By the end of 1998, till the entry into force of the *Law on universal health insurance*, family planning consultancies were run overwhelmingly by gynecologists and community midwives, the latter attached to specialist women's clinics. In 1997, 60.4% of all town women in the first three months of pregnancy, and 44.3% of rural women, benefited from proper medical care. For details of medical care provided see table A.12.1 (annex).

Health situation

215. Infant mortality rate per 1,000 live births in the said period dropped from 19.3 in 1989 to 9.5 in 1998. This was largely the consequence of the extension of free medical care to expecting mothers through childbirth and confinement.

216. Infant mortality (the statistics make no distinction between the sexes of dead babies) was caused overwhelmingly by perinatal pathologies in foetuses and new-born babies, by congenital defects, ailments of the respiratory tract, infectious and parasite-borne diseases, injuries, toxaemia and some undiagnosed conditions.

217. Circulatory diseases and cancer were the main causes of adult mortality, irrespective of the gender and place of residence (town/country) of the persons concerned. Particularly worrying was the faster growth in the incidence of the said diseases in women rather than in men.

218. Circulatory diseases were the main killers in Poland in the period covered by this report. They were responsible for 50% of all deaths. According to the data provided by the Central Statistical Office, male patients predominated in civilian health service facilities. However, the numbers of women hospitalized there with circulatory ailments grew faster than those of men. In fact, circulatory diseases were the main reasons of the hospitalisation of women at that time: in 1980-1992 the number of women undergoing treatment for circulatory conditions went up by more than 47%.

219. Cancer was the second most serious disease in Poland at that time, responsible for some 20% of all deaths. According to the data gleaned by the Oncology Institute in 1990-1995, the number of new male and female cancer cases grew by 23% and 29% respectively. However, in 1996 cancer killed 243.2 men and 172.3 women per 100,000 people. The women mostly suffered from malignant tumors of the breasts, the reproductive organs, the colon, the stomach, the skin, the anus and the gall bladder. The mortality of women was high and the 1994 figures of deaths per 100,000 indicate that the worst killers were breast cancer (22.2 deaths), lung, windpipe and bronchus cancer (15.7), stomach cancer (12), cervical cancer (10.3), ovarian cancer (9.5), colon cancer (9), anus cancer (8.7), pancreas cancer (8.6), the cancer of the gall bladder (7.4) and of the liver (7.2). Only too few women availed themselves of medical checkups for cancer: in 1998 28% women admitted to not having ever undergone cytological tests. One can, nevertheless, accept that the prophylactic programs implemented throughout the period covered by this report helped bring down the level of deaths of cervical cancer. These programs also stirred up interest in cytological and mammography checks both within the medical community and of patients.

220. In 1991 the index of deaths related to the pregnancy, delivery and confinement stood at 22.9 per 100 000 live births. That figure included 14.7 deaths blamed on obstetric causes. The mothers died predominantly of haemorrhage, embolism and infections. Pregnancy and childbirth-related problems were responsible for 11.8% of women's sick leaves. These plus diseases of the reproductive organs were the second most serious reasons of women's incapacity to work in the said period.

221. Protracted illnesses were more common in women (68%) than in men (55.5%). Women predominantly suffered from bone and spine diseases (41% of women in the 60-69 age bracket), joint complaints (48.3% of women aged 70-79), from hypertension (31.4% of women aged 60-69), as well as from allergies and liver problems. 41.8% of women over 80 suffered from atherosclerosis and 29.9% from glaucoma and cataract.

222. Prominent among occupational diseases in women were those of the speech organs (54%). Next on the list were infectious and invasive diseases (21%), skin diseases (7%), motor organs illnesses (4%) and those of the hearing organs (4%), as well as of the bronchus and the nervous system (2%). The first two groups of occupational diseases were most common in teachers and the medical personnel: women predominate in these two communities.

223. According to WHO statistics, there are 10,000 HIV cases in Poland, whereas Polish estimates put the figure of victims at 12,000. In the 11-year period ending in 1997, 624 AIDS cases were recorded in Poland. In the period covered by this report, the National Institute of Hygiene registered anything between 809 new cases in 1990 to 638 in 1998 (the publicly gathered statistics make no distinction between the genders; however, women, the SIH says, accounted for about 20% of all HIV cases).

224. Although Poland is a country with a low incidence of AIDS, in 1993 a National Office for Coordination of AIDS Prevention was set up. The interdepartmental *National Program for Preventing HIV Infections, Care of HIV Cases and AIDS Victims,* implemented since 1996, laid down the following objectives: to contain the spread of HIV in Poland and to improve the quality and availability of care of HIV and AIDS victims. These objectives were pursued across the nation, with particular focus on pregnant women and young people. Relevant information was disseminated through educational centers, military units and prisons, as well as by the media. Training was provided to high-risk communities (health service personnel, teachers, journalists, police officers and priests), guidebooks for infected people were issued and subsidies channeled to non-governmental organisations operating in this area. In pursuit of the latter objective, the program of antiviral treatment was implemented in 11 centers all over the country in observance of the principle that each and every pregnant woman must be examined for HBV, and should she test positive, must be supplied with MMRII, AcHiB, Tetracoq and VAXIGRIP vaccines for her newborn baby. In 1996 a helpline was set up. All told, in 1996-1998 30,765,726 PLN (about 10 million US dollars) were expended from the state budget to finance the implementation of the program, with the Ministry of Health providing 88% of the funds.

225. In the period covered by this report Polish women were generally much healthier than those living in many other countries across our globe, albeit the state of their health continued to be unsatisfactory. This was the consequence of both the quality of life (work combined with

motherhood and family life, unhealthy diet, the use of tobacco products and alcohol, the lack of physical exercise and little attention attached to one's health) and such external factors as the ongoing growth of unemployment and progressing pauperization of society. The 1997 research findings of the Central Statistical Office indicate that the shortage of money induced some 24% of all Polish families to give up plans of having an appointment with a general practitioner, seeking specialist consultation or undergoing rehabilitative treatment; 30% of families could not afford dental treatment and 28% could not buy their prescribed medicines.

Family planning

226. In 1956-1993 abortions were generally available for medical and social reasons and were performed free of charge, under health insurance schemes in public medical facilities. Fees were charged for abortions by private gynecologists. The highest numbers of abortions were registered in 1965 (168,600 including 3,200 on recommendation from doctors; in 1992, shortly before the entry into force of the *Law on family planning(...)* 11,600 pregnancies were terminated including 1,300 recommended by physicians.

227. While recognising everyone's right to decide on whether or not to have children, the family planning law provided for the protection of life in the prenatal phase. It made both the government administration and local authorities duty-bound to provide pregnant women with proper medical, social and legal care including access to information on the rights of mothers, fathers and children. Up till 1996 an abortion could be authorised under the following three conditions:

1. the continued pregnancy would put the woman's life at risk,
2. there was a likelihood of a serious, irreversible defect arising in the foetus, or of an incurable disease which could endanger its life,
3. there was a good reason to suspect that the pregnancy was the consequence of an illicit act.

A 1996 amendment further authorised the performance of an abortion on the grounds of the woman's difficult material or personal situation. The same amendment promised prescriptions for contraceptives at 30%-50% of their over-the-counter price. The consecutive end-of-1997 amendment reinstated the regulations restricting legitimate abortions to cases endorsed by doctors and pregnancies resulting from criminal acts; it also imposed constraints on sex education in school curricula.

228. The law set out detailed conditions legitimising an abortion: it could be performed in a statutory period of pregnancy by a physician, after a consultation with another physician or specialist). An abortion required a written consent of the woman concerned; consent in writing signed by a guardian was required for an abortion to be performed on an under-age girl or a legally incapacitated woman. A girl under 13 years of age would have her case handled by a family court after seeking her opinion on the matter. On top of that, the medical code of conduct admitted a refusal by a doctor to perform an abortion on moral grounds. This resulted in many doctors refusing to perform abortions which, in practice, made entire hospitals off limits to abortion-seeking women. Needless to say, the lives of quite a few of them were put at risk in the process.

229. Under the new law, causing the death of an unborn child or damaging his body carried a sentence of 2 years' imprisonment; a person responsible for the death of an unborn child as a consequence of using violence on his mother could expect anything between 6 months and 8 years in prison, while the death of an unborn child or his mother carried a prison sentence of up to 10 years.

230. The said law put the government administration and local authorities under the obligation to:

- ☐ extend medical care to an unborn child and his mother,
- ☐ provide assistance and care to pregnant women facing financial difficulties through pregnancy, childbirth and thereafter,
- ☐ provide detailed information on benefits and entitlements guaranteed by law to families, married and unmarried mothers and their children, as well as on adoption procedures,
- ☐ help families to solve their psychological and social problems,
- ☐ ensure citizens unimpeded access to the means and methods of informed procreation,
- ☐ cooperation with and providing assistance to the Catholic Church and other churches and confessional and social organisations involved in delivering care to pregnant women, finding foster parents to children and organising adoptions thereof.

231. Medical care of pregnant women having social security coverage, handling Labor and deliveries of new babies, as well as abortions performed in public wards – these services are all free of charge. They must be paid for in private clinics. One must add at this point surgeries depriving human beings of procreative capabilities are outlawed in Poland (Penal Code, Article 156 paragraph 1); female circumcision is not practiced in Poland.

232. The Council of Ministers submits its annual reports on the implementation of the law on *family planning, protection of the human fetus and conditions of permissible abortion* to the Sejm. And so, the 1995 report registered 45,308 miscarriages and 559 abortions performed in public clinics, including 33 prompted by prenatal examinations.[19] Between 15 March 1995 and 15 March 1996 85 cases of violation of the law were prosecuted, 49 of them dismissed by the courts. Eleven of the above-mentioned prosecutions were triggered by findings of several months-old abandoned fetuses. A point was raised in the report to the effect that there may have been many more unlawful abortions, whereas the excessively restrictive nature of the law had been exploited for personal account-settling and was conducive to personal and social tragedies of people incapable of coping with poverty, despondency and distress.

233. In the Council of Ministers' 1995 report on the implementation of the law on *family planning, protection of the human fetus and conditions of permissible abortion* stressed the general availability of prenatal genetic tests which were free of any particular limitations. In 1995, 1,452 such tests were carried out in 7 clinics: 69 fetal pathologies had been diagnosed. Also in 1995, the implementation of the *Prenatal care improvement program* got under way.

234. Pharmacies were generally well supplied with contraceptives (85% of the range were available at any one time). In 1995 there were 25 hormonal drugs on the market, including two refunded by the State, eight chemical preparations, seven different intrauterine devices, as well as condoms. The Ministry of Health and Social Welfare maintains that in the said period 33.5 million packets of hormonal contraceptives worth 27.4 million PLN were sold to 3.4% of women (44.3% of all female interviewees admitted to having never used a contraceptive). The Ministry of Health and Social Welfare research findings testify to the easy availability of condoms (67%), intrauterine contraceptives having been the most difficult to obtain (34%). There were several barriers to the use of contraceptives, and these included: people not being in the habit of using them (41%), opposition mounted by the Church (39%), shame working as a deterrent from purchasing (23%) and lack of information (22%). Only 5% of the respondents pointed to a poor availability of contraceptives.

---

[19] 433,100 live births were registered in 1995.

235. The aforesaid data stress the absence of pro-contraceptive habits and ignorance as the principal barriers to family planning, both being the illustration of the inadequate provision of sex education at that time. Pursuant to the 18 August 1993 Order 26 of the Minister of National Education, sex education had been provided at all schools, its effectiveness having been contingent both on the competence of the teachers and the standards of the teaching aids in use. It is impossible to assess the effectiveness of education provided within the program "on the sex life of man, the principles governing the informed and responsible parenthood, on the value of the family and unborn children, and on the means and methods of informed procreation"; in 1995 the program was supplemented with HIV/AIDS prevention guidance. In the period covered by this report there were 14 different sex education school handbooks and supplementary publications reflecting different world-outlook options. Post-graduate studies for sex education teachers at that time were available at three university-level schools; training sessions were also organised for them. Similar forms of education were available also for adults, primarily at women's clinics and regional disease control centres.

Women's health in the state policy

236. The state of the Polish nation's health, poorer than that of some more advanced societies, prompted the drafting in 1994 of a *Strategy for health* which envisaged a string of health service financing and organisation reforms and heralded the *National Health Program*. The strategic goals set out in the *1995-2005 National Health Program* are designed to bring about an improvement in public health and the quality of life by way of:

☐ creating conditions for and promoting the awareness of the benefits accruing from healthy lifestyles; encouraging action to improve one's own and other people's health,
☐ generating health-friendly environments for life, work and study,
☐ narrowing the differences between people's health and improving the availability of health benefits.

237. The 18 operational objectives spelled out by this document include encouragement to breast feeding, prevention of premature births and low body weight of new-born babies, improvement of both the early diagnosing and the success rate of malignant neck-of-uterus and breast-tumor treatment, as well as intensification of tooth-decay and parodontium prevention in children, young people and pregnant women.

238. The evaluation of the implementation of the *1995-2005 National Health Program* contains the following remarks:

- ☐ **the lowering of the infant mortality rate bears testimony to positive developments in mother-and-child care stemming from the implementation across the country, from 1996 onwards, of the "Perinatal care improvement program in Poland",**
- ☐ **Poland's network of cytological laboratories and mammographs is adequate to the task of screening women (2 million women took cytological tests and 1.5 million underwent mammographic screenings).**

239. One must stress at this point that in the period covered by this report a drop in the infant and mother mortality rate and successes registered in early diagnosing of tumors in women are proof enough that the policy of the State had delivered a conspicuous improvement in the health of the people despite the health spending cuts resulting from the country's difficult economic situation (for the relevant statistics see table A.12.1 – annex).

Article 13. Social and economic benefits

Family benefits

240. Just as before, in the period covered by this report women and men received identical family benefits. What is more, particular care was provided to single parents on the basis of appropriate legal regulations. The family benefits system was regulated by Labor and social security laws, as well as by the country's taxation system. The same criteria were applied to women and men, the maternity allowance being the only difference. Benefits were paid out to individuals (subsistence pension), legal guardians of children (child benefit) or families (accommodation allowance).

241. The tax law identified the following categories of tax-free income: child maintenance, family benefit and nursing allowance, one-off childbirth allowance paid from trade union funds and social welfare benefit.[20] Moreover, the country's taxation system enabled married couples to benefit from their incomes being taxed jointly. The same rule applied to lone parents raising their children separately. However, when taxed jointly they received a tax allowance for just one child – irrespective of the number of children they looked after - which still lowered significantly the amount of their taxable income. This *de facto* tax relief was a form of family benefit written into the national taxation system.

242. Social security relief – financial or in kind – was means tested and the applicant's gender was of no influence on the availability of a benefit. What is more, one person, or a family, could receive more than just one benefit. A person who lost his/her entitlement to an unemployment benefit and was raising a child under 15 years of age was guaranteed an allowance paid over a period of 36 months while the local social security authority paid his/her pension contribution (unless the person concerned had another social security entitlement).[21]

243. Permanent allowance was another form of social security benefit addressed in particular to persons or families with children. It was payable to a person who refused to take up employment, or who quited work in order to raise a child requiring permanent care and nursing, if the family's per capita earned income did not exceed the limit imposed by statute. Such an allowance was also paid after the child in question had turned 18, required constant care and was unable to earn a living.

244. Some of the family benefits ensured by the State were delivered within the framework of the obligatory social security system. Those with social security coverage had the right to receive sickness benefits, as well as maternity and nursing allowances.[22]

---

[20] The 26 June 1991 law on income tax levied on physical persons (Journal of Laws No 80, item 350 as amended) Article 6, paragraphs 4-4, Article 20 paragraph 1 and Article 21.

[21] The 29 November 1990 law on social welfare (Journal of Laws No 87, item 506 as amended)

[22] The 26 June 1999 law on social insurance sickness and maternity benefits (Journal of Laws No 60 item 636 as amended)

Supplementary to that system were the means-tested family, nursing and educational benefits paid by employers or appropriate pension authorities.[23] From 1 January 1998, under this system a person raising single-handedly a child entitled to a nursing allowance (a disabled child or one confined to bed with a protracted illness) received double the amount of the family benefit.

245. The alimony fund was set up to provide financial support to single parents[24]. Entitled to support from the fund were persons resident in Poland and awarded maintenance by the court if the payment thereof proved impossible to exact. The amounts of money involved could not be in excess of 30% of the average monthly pay of the day. Applications for maintenance were handled by the Social Insurance Institution (ZUS)[25], and the applicant's gender was of no consequence for the award of the benefit.

246. Health insurance[26] in Poland covered benefits in kind only and their availability was regulated by generally-applied rules irrespective of the insured person's gender. The budget system functioning prior to 1996 had likewise been geared to gender-blind disbursement of benefits in kind.

247. Statistical data accumulated by treasury and social insurance institutions offer no guidance on the gender structure of allowance beneficiaries. They merely register the number of taxpayers awarded different forms of tax exemption and relief, or allowance beneficiaries who received support – and sometimes from more than one source.

Women's entreprise

248. The period covered by this report marked a two-fold growth of the number of women running their own businesses – from 566,500 in 1991 to 1,200,000 in 1998. However, the percentage of women active within the business community remained about the same: 39% in 1992 and 1993, 38% in 1995-1997 and 37% in 1998. Until the mid-90s most of the women had been involved in trading (46%) and manufacturing (17%) ventures. Things had changed by 1998: trading firms then accounted for a third of all businesses owned by women, the remainder being manufacturing companies turning out – to give some examples - garage doors and building materials, as well as service ventures involved in all kinds of repair works, catering and others.

249. It was the inability to reconcile a career with household chores that in most cases encouraged women to strike out on their own. Other factors, such as the policy of central and local authorities, policies pursued by banks and other financial institutions, stereotypical perception of the role of women and men or the lack of training played a relatively minor role in denying women and men an equal head-start.

---

[23] The 1 December 1994 law on family and nursing allowances (Journal of Laws, 1995, No 4 item 17 as amended)

[24] The 18 July 1974 law on Alimony Fund (Journal of Laws No 27 item 157 as amended)

[25] The 4 December 1974 Ordinance of the Minister of Labor, Pay and Social Welfare and the Minister of Justice concerning disbursements from the Alimony Fund (Journal of Laws No 49 item 308 as amended)

[26] The 6 February 1997 law on universal health insurance (Journal of Laws No 28, item 153 as amended)

250. *The National Action Plan for Women – the 1st stage of implementation up till 2000* (1997), addressed to government departments and local administration bodies, encouraged them to lend their support to women either planning to go into business or endeavouring to expand their small firms operating in town and country. The tasks the program spelled out for the authorities included:

☐ devising ways of motivating unemployed women to apply for credits available from the Work Fund for prospective business owners,
☐ disseminating information about local prospects for small business,
☐ encouraging the development of tourism and family farm-based services for holidaymakers by way of simplifying the registration of such businesses and providing training to persons wishing to run them,
☐ supporting with credits and grants investment in small and medium-sized firms, including those owned by women,
☐ elaborating local programs serving promotion of firms set up by women,
☐ giving publicity to successful women-entrepreneurs,
☐ providing proper training to women planning to set up their own businesses,
☐ introducing gender-based categorization into all published statistical data provided by the Central Statistical Office, including those relating to the small and medium-sized firms sector.

Access to credits

251. Pursuant to Article 70 paragraph 1 of the 29 August 1997 Bank Law (Journal of Laws 2002, No 72 item 665 with subsequent amendments), "The bank makes the awarding of a credit contingent on the creditworthiness of a borrower." In other words, there are no formal restrictions on women's access to bank loans and credits. When an applicant for a substantial credit or loan happens to be a married person, he/she will need the consent of his/her spouse to sign the credit contract, as credit-taking exceeds the bounds set by ordinary joint management of marital property (Article 36 of the Family and Guardianship Code). According to the Supreme Court judicature, a bill of exchange issued by one spouse shall not act as security against a loan without the required consent of the other spouse if the matter exceeds the bounds of joint management of marital property.

252. In the period covered by this report most of the banks did not keep the records that would have made it possible to pinpoint the percentage of women taking credits. There was one exception: the Mikro Fund set up in 1994 by the Polish-American Enterprise Fund to shore up micro-enterprise in Poland.

Received loans from the Mikro Fund:

Year	Total number of loans	Percentage of loans to women
1995	156	42.3%
1996	1773	35.8%
1997	5586	38.1%
1998	9531	38.4%

Recreation, sports, culture

253. Equal access of all citizens to recreation, sports and all areas of cultural life is guaranteed by the Constitution of the Republic of Poland. Article 6 of the Constitution says that the Republic of Poland shall provide conditions for the people's access to cultural goods which are the source of the Nation's identity, continuity and development. Article 73, on the other hand, ensures everyone the "freedom of artistic creation and scientific research as well as dissemination of the fruits thereof, the freedom to teach and to enjoy the products of culture."

254. In the years 1990-1998 there were fewer women than men involved in competitive sports in Poland, and this despite the absence of any legal constraints on women in this regard. Between 1990 and 1998 the female membership of sports clubs grew only insignificantly – from 17.4% to 18.8% of all members. This was also true of the women's share of executive positions in institutions promoting sports nationwide which, unfortunately cannot be illustrated by any statistical data as sports and recreation in the 90s were not very well researched into. However, compulsory physical education classes gave school students of both sexes the opportunity to partake of physical culture.

255. *The National Action Plan for Women – the 1st stage of implementation up till 2000* spelled out a task for the country's administration to ensure both women and men equal access to physical exercise, as well as sports and recreation classes both in and out of school. The implementation of this task was the responsibility of the Ministry of Education, Science and Sports.

256. There are two sets of factors conditioning participation in recreation and cultural activities. The first is about access to recreation and sports facilities, as well as to cultural institutions. The second relates to cultural needs and proper preparation of people to the reception of and participation in culture. Research conducted by the Central Statistical Office in 1990 disclosed a shrinking of the cultural needs of Polish society below the 1980s level, which was particularly true of the falling readership of books, newspapers and periodicals. The period under discussion witnessed people's declining contacts with such cultural institutions as theatres (11.2% of men and 15.9% of women – in the cities 16.3% and 21.2% respectively), concert halls (3.9% men and 5.1% of women; in the cities 5.9% and 6.9%; in the country 1.0% and 2.0%). More frequently did persons supplying information to pollsters declare their interest in and contacts with museums (10.5% of men and 12.0% of women, in the cities 14.8% and 15.6% and in the country 4.5% and 4.56% respectively).

257. Research into these phenomena disclosed many difficulties barring people's access to culture. Prominent among them were the growing prices of services, the shrinking cultural offer, the flight of cultural institutions from the country and small towns, the simplification of the cultural message, growing material constraints on the consumption of culture, television pushing other media out of the market, adaptation of large social groups to new situations and the shrinking cultural needs of society. These phenomena gained in intensity in the following years, affecting both women and men (the available data do not signal cases of gender discrimination). One must, however, take account of groups of economically disadvantaged people whose access to the benefits of culture, sport and recreation was particularly difficult. These groups were made

up predominantly of lone mothers, rural women with little or no access to sports facilities and cultural institutions and elderly people – most of them women.

Article 14. Rural women

Restructuring of agriculture

258. In the period covered by this report enormous structural changes took place in the countryside fuelled by the ongoing transformation of Poland's political system. In 1990 there were 2,138,000 private farms in Poland having, on average, 7.1 hectares in area. This acreage included 6.3 hectare of farmland. By 1997 the number of farms had fallen by 6% with the concomitant growth in the average area of the existing farms to 7.8 hectares (10%). The share of agriculture, hunting and forestry in the GDP gradually decreased in the years 1989-1998. In 1989 it amounted to 12.9% of the GDP, in 1990 – to 8.3%, in 1995 – to 6%, and in 1998 – 4.1%.

259. According to the 1996 census, there were 11,559,200 people, or 29.9% of the country's population, drawing their livelihood from agriculture. In 1991-1997 there were less than 90 women for every 100 men in the under-44 age group; there were many more women than men in the over-45 age group. In agriculture women had traditionally played a very important role because many men opted for jobs outside farming (or pursued dual careers), notably in the heavy industry, transport or building. That forced women to take over many household duties previously the responsibility of the men. Then young women started their exodus from farming to industry and services. This set off changes in the demographic structure of the rural population and aggravated the problem of ageing of the Labor force. The gender balance had been upset: there were many more men than women in the country, and many of them never married as a consequence.

260. In the period covered by this report, the country's rural areas were undergoing reorganisation along the policy lines designed to:
☐ restructure farmland ownership through privatisation of formerly state-owned farms by the Agricultural Property Agency;
☐ support the creation of new jobs in rural areas by making available a variety of easy-term loans to prospective owners of small businesses and providing other stimulants to local enterprise;
☐ stimulate the rise in the number of people active in the Labor market by subsidising projects addressed to farmers wishing to enhance their skills or retrain for other trades, co-financing the services of business consultants and providing opportunities for hands-on vocational training, as well as organising training schemes for the unemployed and those about to lose their jobs,
☐ help farmers take early retirement,
☐ subsidise infrastructure development projects involving the building of water mains, sewers, sewage-treatment plants and garbage dumps, as well as the laying of telephone lines.

261. Countryside restructuring projects aimed at improving the living and working conditions of the rural population including women were run on the basis of the following programs:
☐ *Strategy for agriculture and rural areas* – worked out in 1990,

- ☐ *The socio-economic policy guidelines for the country, agriculture and the food economy*(1994),
- ☐ *The medium-term development strategy for agriculture and rural areas* (1998)
- ☐ In 1997 the Minister of Agriculture committed himself to the implementation of *The National Action Plan for Women – the 1st stage of implementation up till 2000.*

Professional activity of rural women

262. A typical Polish family farm has traditionally been run by the farmer-and-wife tandem, with the man – the head of the family – being in charge of the business. According to the statistics provided by the Warsaw Agriculture University (SGGW), only every fifth Polish farm was run by a woman, in most cases single-handedly. According to the research findings, the women were predominantly managers not of their own free choice, having had that role thrust upon them by their widowhood, this being the consequence of a high death rate of men in poorer areas, all-female families, the sickness of the husband or the latter's permanent job outside agriculture. In most cases farms run by women were not typical farms geared to further development - they merely served to provide income support to the families. Only 4% of farm-owning women were specialists with proper agricultural education.

Table 14.1. Rural women in the Labor market (late 1997)

Items		employability index	employment index	unemployment index
population of Poland	total	57.4%	51.5%	10.2%
	men	65.5%	59.8%	8.7%
	women	50.0%	44.0%	12.0%
rural population	total	59.5%	53.9%	9.3%
	men	68.3%	63.0%	-
	women	50.9%	45.2%	-

263. In 1996:

- 64.8% of rural women worked exclusively or primarily their own farms;
- 15.8% of them worked exclusively or primarily outside their farms;
- 0.9% were unemployed;
- 18.5% were not in gainful employment.

Enterprise and access to credits

264. Small and medium-sized enterprises – every fifth of them run by a woman – played a very important role in the development of rural areas. 51% of all the women interviewed by Warsaw Agricultural University pollsters ran trading outlets (mainly food stores and shops stocking industrial hardware), 39% were in the services (hairdressers and dressmakers), the remaining 10% being involved in all kinds of manufacturing ventures. Extremely rare were women-run service centers requiring state-of-the-art skills (financial-cum-taxation consultancies and accountancies). Only 34% of all rural women starting off on their own tried to avail themselves of some form of credit. Incomes generated by small and medium-sized businesses were relatively low and supported by farm incomes. In fact, every second non-agricultural business in the countryside was backed up by a farm. Above-average incomes were registered by businesses set up in suburban gminas, the latter not infrequently serving as reserve pools of Labor for major agglomerations.

The family and children

265. The years 1990 through 1997 witnessed a decline in the number of new marriages both in town (by 1.0 per 1000 people) and country (by 2.1). The number of divorces, however, remained unchanged, but it is worth stressing that the farming population registered three times less divorces than city dwellers. The demographic growth rate was much higher in the country than in urban areas and this trend held throughout the period covered by this report (see table A.14.1, annex).

Social security in the countryside

266. It will be noted that throughout Poland's post-World War II history the inhabitants of rural areas, mostly those living off their farms, were much worse off than their town-dwelling counterparts employed in the non-agricultural sector. The private farmers, tilling their own land and taking their own risks, and so apparently much better equipped – also in terms of property ownership structure - to cope with the rigours of the free market, saw their situation deteriorate even further as a consequence of the country's economic transformation. In 1999 43.2% of urban households and 66.2% of their rural counterparts had sunk below the subsistence level, whereas 3.7% or urban households and 12% of those in the country found themselves below the poverty line. The structure of the farmers' sources of personal income had also undergone change throughout the nineties. Farm incomes had shrunk in step with the growth of income generated by non-agricultural jobs, social security benefits and other sources. At the time of a steep decline in the incomes of small-holders (the most numerous segment of the farming community in Poland), the pension system turned out to be crucial not only as an accelerator of the process of generation replacement in the country but also as an important income-support instrument.

267. The farming community is covered by a separate social insurance system operated by the Agricultural Social Insurance Fund, pursuant to the 20 December 1990 *Law on the social security of farmers* (Journal of Laws 1990, No 7, item 25 with subsequent amendments), in force since 1 January 1991. The system guarantees access to social security benefits to women and men involved in farming, both being considered farmers irrespective of their gender. The social security coverage is also available to farmers' spouses, unless they are employed outside agriculture or in non-farm households. The law further provides for a one-off childbirth benefit, a benefit payable to the foster parents of a child of up to one year of age, as well as maternity allowances. These benefits are paid in aggregate either to the mother or to the father, depending on who applies for them. In agriculture, too, the pensionable age is 60 for women and 65 for men. The payment of old- age and disability pensions from the farmers' own social security system is guaranteed by the state.

Civic role of rural women and their organisations

268. Both women and men employed in agriculture have the right to set up their own social, professional and trade union organizations[27]. This right is guaranteed by the ILO Convention 141 on farm workers organizations and their role in economic and social development, ratified by Poland. Husband and wife, co-owners of a farm, have the right to vote in elections to and run for posts in agricultural chambers (farmers' self-government)[28]. Very many women sit on the boards of agricultural organizations.

269. The Rural Housewives` Circles is one of the best-run organisations operating in the Polish countryside. In is also boasts of the most numerous membership. Set up in 1866 and banned during World War II, it was formally reinstated in 1957 and has been in operation ever since. Rural housewives constitute an overwhelming majority of the organisation's membership which also includes teachers, doctors, nurses and employees of institutions operating in and for the benefit of the countryside. The Rural Housewives' Circles offers to its members all kinds of consultation services, organises different training projects, summer holiday outings for children, is active in combating alcoholism, delivers help to the rural poor and helps to cultivate and popularise folk art traditions.

Education

270. Despite the visible improvement in its overall standards of general and vocational education, the rural population as a whole still lags behind the other part of the nation in this field of endeavour. According to the 1995 census, 54.6% of people working in agriculture had only primary or incomplete elementary education. University degree holders accounted for just 1.9% of the farming community, the figure for towns and cities being 9.8%. The census, however, revealed the growth in the number of those with general secondary and secondary vocational education from 36.3% in 1988 to 42.2% in 1995.

271. Education-related data gathered during the 1996 agricultural census (table A.14.2 – annex) pointed to men's advantage over women only in terms of primary vocational education whereas in other education groups women outnumbered men. The clear advantage of women over men in the group of people with incomplete primary education is the consequence of the pre-war conditions when only few women had a chance to complete primary education. However, women with primary education and incomplete primary education accounted for only 13.5% of all people aged 25-29.

272. In 1991-1998 the Minister of Agriculture and Food Economy set up and financed a number farming schools for young people and adults irrespective of their gender. The programs of education approved for these schools by the Minister in no way infringed upon the principle of gender equality.

---

[27] The 23 May 1991 trade union law (Journal of Laws No 79, item 854 as amended)

[28] The 14 December 1995 agricultural chambers law (Journal of Laws, 2002, No 101, item 927 as amended)

273. In 1991-1998 the number of rural girls attending high schools systematically kept growing - in the secondary schools (lycees) the number grown by nearly 40%. The number of girls completing secondary education had grown by more than 45% as well. According to the 1997 data women receiving education in agricultural schools accounted for 54.7% of the entire student population; 42.2% and 61.6% of them attended vocational and secondary vocational schools respectively, and 71.4% various post-school educational projects. However, the years 1990-1997 saw a progressing decline in the numbers of rural students of agricultural academies – from 9.2% in 1990 to 7.1% in 1996, this being the result of a deterioration of the economic situation of their families. It will be noted at this point that this was happening against the background of the growing number of academic students across the nation.

Health

274. In Poland's rural areas fewer people were registered suffering from protracted illnesses than in towns and cities. In 1996 the incidence rate in the urban population accounted for 63.2%, the corresponding figures for women and men being 68.5% and 57.0%. In the same year the incidence rate in the country was 60.2%, the figures for women being 67% and for men 53.1%. Self-evaluation is helpful in gauging the actual state of a person's health, and the 1996 results are to be seen in table A.14.3 (annex). Differences in the results of self-evaluation are, indeed, minimal. Neither do the records of body weight as pointers to the kinds of diet people live on show any substantial differences between the rural and urban communities (table A.14.5 – annex).

275. The 1997 women's mortality rate per 1,000 people was somewhat lower than in 1990, and that applied to both town and country, even though more women died in the rural areas. The number of rural women dying during pregnancy, childbirth and confinement dropped by 50% below the 1989 figure to urban women's mortality level. The years 1989-1996 saw an increase in the life expectancy of women, the actual index being more generous for rural women (see tables A.14.6 and A.14.7 – annex).

276. The period now under review saw a drop in the number of live births in Poland, the rural areas being the exception: the 1997 figures are evidence of the continuously higher live-birth rate in the country than in towns. In 1990 more infant deaths were recorded per 1,000 people in rural areas (0.6). However, seven years later more infants died in urban areas (0.8). For details see tables A.14.6 and A.14.7 – annex).

Article 15. Equality before the law and in civil matters

277. When it comes to the application of Article 15 of the Convention, appropriate regulations are binding in Poland at the constitutional and statutory level (see Article 2). The principle of equality before the law is spelled out by Chapter II of the Constitution, entitled "The freedoms, rights and obligations of persons and citizens." The equality of women and men is ensured at the statutory level by civil law regulations in force and effect since 1964. The Civil Code equips each and every person, irrespective of his/her sex with a legal capacity upon his/her birth (Article 8 of the Civil Code, Journal of Laws 1964, No 16 item 93). Under the law, women and men are equally capable of taking legal action. Both become capable to take legal action when reaching maturity. Under Article 10 of the Civil Code, a person reaches maturity at the age of 18. An underage person reaches legal maturity upon getting married and retains it even after the marriage has been nullified.

278. In the period covered by this report the law set different marriageable age – and, by this token, different legal maturity age - for men and women. This question has been thoroughly discussed in the Article 16 of the Convention implementation report.

279. Restrictions upon capability to take legal action – the same for women and men - are spelled out by the Civil Code. This capability is denied to young people under 13 and to legally incapacitated persons. The aforesaid restrictions apply to those who are over thirteen years of age and to partially incapacitated persons. Partial incapacitation, says Article 16, paragraph 1 of the Civil Code, can be the consequence of mental illness, mental retardation, alcoholism and drug addiction - if the actual state of a person's health does not warrant a complete incapacitation but rather makes necessary providing him/her with help in running his/her day-to-day affairs.

280. Under the law of the land, each and every legal action aimed at restricting the legal capacity of women would be invalid as running counter to both the constitutional principle of equality and the norms outlined above. For pursuant to Article 58 of the Civil Code, an action contrary to statute, or pursued with the aim of sidestepping a law is null and void, unless a different result is envisaged by the relevant statutory regulation, namely, a replacement of the invalid foundations of a legal action with appropriate statutory provisions. In the light of this regulation, any legal action taken in contravention of statutory provisions shall be null and void.

281. Women and men have identical rights to enter into legal relationships with other parties on their own behalf and in their own interest, including concluding contracts and disposing of property. Within the framework of conjugal community, the acquired property of spouses is their statutory joint property. Items which do not form joint marital property are the personal assets of the spouses who can freely dispose of them. Each of the spouses can also individually manage their joint property. However, the consent of both spouses is needed when either of them plans action expected to go beyond the confines of ordinary property management, such as the sale or acquisition of real estate – a move likely to affect the value of their jointly-owned property. The spouses can further contractually expand, limit or separate their respective estates, the applicable

provisions of the Family and Guardianship Code being non-discriminatory for reasons of gender (Journal of Laws 1964, No 9 item 59).

282. Similar criteria are applied in the assessment of the spouses' credit- worthiness. Polish nationals, irrespective of their gender, have also the right to take out a mortgage, as well as sell and purchase real estate. The only constraints that apply here are those resulting from a person's restricted capability to take legal action.

283. Women and men in Poland are equally free to choose their places of residence and sojourn. The relevant provisions of the Civil Code, the Penal Code and the Administrative Code which were binding in the period covered by this report make no distinction between the sexes of those in pursuit of legal action. For each and every natural person has the capacity to sue and be sued whatever his gender. Both women and men are treated *de iure* in the same way before the courts and tribunals no matter whether they appear there as litigant parties or as witnesses.

284. The Family and Guardianship Code has equipped parents with the same rights to make decisions on points of parental power. If the latter is vested in both of them, they are both duty-bound to exercise it. Therefore they are both supposed to take decisions of crucial importance for the welfare of their children. If they cannot see eye to eye over a matter, they must follow the judgement of the family court.

285. Legal services are equally accessible to women and men. The applicable corporate laws (the 26 May 1982 Bar Act, the 20 June 1985 law on public prosecutors, the 20 June 1985 law on civilian courts and the 29 October 1997 law on court executive officers and execution) do not impose any constraints upon women planning legal careers. They do not permit any direct or indirect gender discrimination in this regard, either.

Article 16. Equality in marriage and family law

286. In the period covered by this report marital and family relations were regulated by the country's Constitution, the 25 February 1964 Family and Guardianship Code, the 29 September 1986 Registry Law and the 23 April 1964 Civil Code, the 23 April 1964 Civil Procedures Code, the 12 November 1965 International Private Law and by the international agreements to which Poland was a party.

287. The Family and Guardianship Code fixed the minimum marriageable age for men at 21 and for women at 18 (Article 10 paragraph 1). The difference was meant to discourage marriages before men had completed the compulsory military service. However, the appropriate guardianship court could lower the marriageable age to 18 for a man and to 16 for a woman if satisfied that the matrimony thus contracted would be for the good of the new family and in the public interest. The age of maturity for both sexes was 18.

288. Bigamy was a crime. Under the Penal Code of 19 April 1969 it carried a prison sentence of between six months and 5 years (Article 183 paragraph 1). Sexual relationship with a minor of under 15 years of age was an offence punishable with imprisonment of up to 10 years.

289. The Family and Guardianship Code made it possible for a woman to keep her maiden name, or add her husband's to hers, this being conditional on her making a statement to this effect when contracting the marriage. Her husband, however, could add his wife's name to his only if his wife decided to retain her maiden name.

290. The child bore the father's surname unless both parents had agreed that he/she would receive the mother's name, and the mother had retained her maiden name or added her husband's name to hers. The child could be given the mother's name, this being conditional upon the consent of the father.

291. Under the Family and Guardianship Code, applicable in the years 1990-1998, the spouses enjoyed equal rights which included taking joint decisions in the interest of the family. If a difference of opinion arose, and it could not be resolved at home, each of the spouses could take the matter to court. Both spouses were duty-bound to make every effort – within their respective means and possibilities - to provide for the family they had decided to set up. Consistent with the performance of this duty could be personal contribution to the raising of the children and/or doing household work. Court action for alimony could be taken by a spouse against her/his maintenance-evading partner.

292. Polish law imposed no constraints upon the spouses' choice of a name, a profession or occupation or their freedom to acquire and dispose of property. The spouses' equal rights extended to the care of their children. They were further free to seek the adoption of children. If their marriage failed, they could sue for divorce. Equal rights to inherit an estate were guaranteed to them by the relevant provisions of the Civil Code. Only minors and legally incapacitated persons could have their choice of a place of residence restricted by the law.

293. Public opinion poll findings indicate that gender equality was not fully observed, especially in the area of household chores. In the period covered by this report a large segment of society - women first and foremost - was in favour of the model of a family run on an equal basis by the husband-and-wife tandem, both spouses pursuing their respective careers and both equally sharing in their household duties. This did not quite work that way in practice: the interviewed women were both in gainful employment and did most of the household work which involved looking after the family as a whole, taking care of the children, helping them with their homework and the like (CBOS 1993, OBOP 1995).

294. In 1990-1998 women sued for divorce more often than men, mostly to end the trauma of a life with an alcoholic husband, who also happened to be a violent man with a record of assaulting his wife and children. Men predominantly wanted a divorce to start a new family.

295. Women more often than men were awarded the custody of the children by the divorce courts. That increased substantially their payloads of duties linked to the raising and maintenance of the children. As the inflation eat deeply into the value of the maintenance money awarded by the courts, the persons entrusted the custody of the children (those persons were, overwhelmingly, women) were frequently forced to claim re-evaluation of the alimonies which further aggravated their situation.

296. The Association for the Defence of Fathers' Rights – a non-governmental organisation – quoting the custody of the children being awarded to the mothers in 90% of divorce cases – blamed the courts for discriminating against the men. In practice, however, only very rarely did the fathers (a mere 3% of them) claim the custody of the children. So, by and large, the courts' rulings were largely influenced by the preferences of the spouses seeking divorce (based on a report by the Women's Rights Centre, entitled "Women in Poland 2003").

297. In the period covered by this report, with 7.3 divorces per 10,000 people in 1993 (which represented a substantial drop from the 11.1 cases in 1990) Poland was in a group of countries with a very low divorce rate, indeed. This was the consequence of the earlier transfer of divorce-related prerogatives to voivodship (province) courts which made more difficult people's access to the courts, this being particularly true of persons living in remote areas. Moreover, ignorant of her rights and not infrequently short of funds with which to pay for legal assistance, a woman seeking a divorce was practically barred access to information about ways of securing an exemption from court costs.

298. In 1994 the Parliamentary Group of Women submitted to the Sejm a new divorce bill. It stipulated a return of divorce cases to family courts and a considerable simplification of the divorce procedures. These being perceived as far-reaching changes indeed, the bill stirred up controversy about its consequences for women upon becoming law: a return to the previous estate-related regulations called for an analysis of the costs and organisational problems involved.

299. In the period covered by this report, joint property of husband and wife was the rule. Thus both had a duty to cooperate in exercising the management of that property. In the performance of this duty they could act singly and in tandem. As the spouses owned the equal shares of their estate, they could demand an appraisal of its value with due account taken of his or her personal

contribution to the accumulation of their property. Polish law enjoined taking into account child-raising and household work, as well as the personal incomes of the spouses in evaluating their contributions to the rise of their estate. That approach was, if fact, advantageous for the women for it was they who not infrequently carried the biggest burden of looking after their households and families.

300. ***The National Action Plan for Women – the first stage of implementation up till 2000*****, urges making the marriageable age the same for women and men, analysing family court rulings for their observance of the principle of the equal rights and responsibilities of the spouses, disseminating research results concerning the observance of the spouses' full rights and responsibilities, eliminating hurdles barring access to divorce courts by way of simplifying the procedures and changing the jurisdiction of the courts, promoting the equality of the parents in their custodian and educational function, as well as suppressing gender stereotypes.**

301. As the regulations of the day did not apply to common-law marriages, common-law spouses could not file jointly their tax returns. They did not generate common estate. Each of the partners owned his/her own property and could not be made liable for the debts of his/her partner. In the event of the death of one of the partners, years of cohabitation did not by themselves give the surviving partner the right to inherit the property of the deceased, unless he/she was mentioned in his/her will. But a gift of property, or the will, could be challenged in court by the dead person's relatives.

302. By the very fact of their cohabitation, the bereaved partner was not entitled to a family allowance. He/she had merely the right to continue renting the apartment, if the apartment had actually been rented by the deceased person who then lived in it until his/her death.

303. In the period covered by this report marital pledges were unknown in Poland, as indeed were prearranged marriages. A man could not be expected to marry his widowed sister-in-law. A bride was not formally expected to bring a dowry to her husband. Neither did the law regulate the question of surrogate mothers.

304. The right to decide about the number and spacing of children and access to the information, education and means enabling women to exercise this right were discussed in the Article 12-related part of this report. Instances of violence in partnerships were discussed in Article 5.

ANNEX

Table A.7.1.

The number of women's non-governmental organisations

	1993	1995	1997
Organisations, federations, clubs, informal groups	24+61 local	36+86 local	53+113 local
Budget-financed entities	2	3	4
Foundations	6	10	12
Charitable organizations	3	1	-
Religious organizations	3	5	6
Trade union and party political groups	6+3 local	6+14 local	6+63 local
Scientific centres	5	7	7
Foundations and org. running programs for women	4	7	5
Total	117	175	270

Table A.10.1.

Percentage of women receiving academic education in 1991-1998

year	women's share of student population
1990-1991	50%
1991-1992	50%
1992-1993	52%
1993-1994	53%
1994-1995	55%
1995-1996	56%
1996-1997	57%
1997-1998	57%

Table A.10.2.

Percentage of women studying at different academic institutions in 1997-1998:

type of school	students	graduates
university	67%	74%
higher engineering schools	29%	29%
higher agricultural schools	52%	54%
higher economic schools	61%	65%
higher pedagogical schools	77%	88%
medical academies	69%	64%
higher maritime schools	29%	33%
physical education academies	45%	50%
higher art schools	64%	66%
Higher theological schools	60%	47%

Table A.11.1.
Remuneration of women recorded in different occupational communities (percentage of men's earnings - October 1998):

general figure	81%
senior clerical and managerial staff	75%
Specialists	72%
technicians and other middle-level personnel	74%
Self-employed service providers and shop assistants	75%
office workers	94%
farmers, gardeners, forest keepers and fishermen	90%
industrial workers, craftsmen	67%
machine and equipment assembly workers and operators	85%
unskilled manual Laborers	83%

Table A.11.2.
Percentage of gainfully employed women recorded in different age groups (1995 and 1998)

age groups	15-24	25-34	35-44	45-54	55-64	65 plus
1995	45.2%	43.3%	47.6%	48.5%	42.0%	46.5%
1998	45.7%	43.8	47.0%	59.7%	40.7%	44.8%

Table A.11.3.
People holding unregistered jobs - 1995

Items	total	Men	women
1,000	2,199	1,412	787
%	100%	64.2%	35.8%
Percentage			
Total	100.0%	100.0%	100.0%
towns	52.2%	48.9%	51.8%
rural areas	47.8%	51.3%	41.9%
age groups			
under 24	22.4%	21.4%	24.3%
25-34	25.5%	27.5%	21.8%
35-44	26.9%	27.7%	25.5%
45-59	17.6%	17.3%	18.2.5%
60 plus	7.6%	6.1%	10.2%
Education			
primary & incomplete	33.8%	33.4%	34.4%
primary vocational	38.4%	43.7%	28.8%
secondary	20.8%	17.9%	26.1%
post-school and academic	7.0%	5.0%	10.7%
% of people over 15			
Total	7.6%	10.2%	5.2%
towns	6.3%	8.2%	4.7%
rural areas	9.3%	13.5%	6.0%
age groups			
under 24	9.1%	11.3%	7.0%
25-34	11.4%	15.6%	7.0%
35-44	9.0%	12.4%	6.4%
45-59	6.2%	8.2%	4.4%
60 plus	2.7%	3.5%	2.2%
Education			
primary and incomplete	6.7%	10.1%	4.3%
primary vocational	11.1%	13.0%	7.8%
secondary	6.9%	8.1%	4.7%
post-school and academic	5.5%	5.7%	5.3%

Table A.12.1.
Health care delivery conditions – figures recorded on 31 December

items	1990	1995	1998
health care establishments			
a) clinics	6,584	6,473	5,825*
b) health centers	3,328	3,312	3,205
	1,478	1,503	1,471
c) medical practices			
- in towns	-	-	422
- in rural areas			348
d) hospitals	677	705	715
e) facilities	70	8	1
- life care – medical			
- medical-educational			
- nursing-life care			
- hospices			
Pharmacies and pharmacy points	4,397	6,761	7,767
(including rural)	1,344	1,563	1,687
Medical staff of the civilian health service			
a) physicians	81,641	89,421	90,086
- including women	44,172	49,338	49,245
b) dentists	18,205	17,805	17,323
- including women	14,532	14,192	13,544
c) specialists			
- in pediatrics	10,161	10,566	10,088
- in obstetrics and gynecology	6,091	6,179	6,431
d) paramedics	2,710	1,135	835
e) pharmacists	15,110	19,447	20,572
- including women	12,595	17,295	18,204
f) nurses	207,767	211,603	213,127
g) midwifes	24,016	24,440	24,434
Consultations			
a) total	220,742,000	207,128,000	190,635,000
b) for women (in the gynecological clinics)	7,775,000	7,168,000	7,071,000
c) for children (in the pediatric clinics)	39,392,000	33,315,000	28,480,000
d) in the countryside**	31,794,000	30,756,000	29,285,000
e) per one inhabitant	5.8	5.4	4.9

*) including 1,663 non-public clinics
**) consultations in rural clinics

Table A.14.1.

The demographic background 1990-1997 (per 1,000)

years	marriages	divorces	population growth	live births
Towns				
1990	6.1	1.5	3.0	12.6
1997	5.1	1.5	0.0	9.3
rural areas				
1990	7.7	0.5	6.0	17.2
1997	5.6	0.5	2.2	12.9

Table A.14.2.

1996. Levels of education of private farmers owning more than 1 hectare of land

	general	education						
		higher	post-school	vocational	general	primary vocational	completed primary	unfinished primary and no education
Total	100.0%	1.9%	0.8%	12.6%	2.0%	31.0%	45.6%	6.1%
men	100.0%	1.8%	0.5%	12.5%	1.2%	35.5%	44.3%	4.3%
Women	100.0%	2.1%	1.8%	13.1%	4.1%	18.8%	49.3%	10.8%

Table A.14.3.

Women's evaluation of their own health (1996)

health	rural areas	towns
very good	11.7%	11.4%
good	38.7%	39.9%
Tolerable	27.7%	31.7%
poor	17.4%	13.4%
very poor	4.1%	3.3%

Compiled on the basis of a representative sample of the population, the figures take no account of the persons who declined to be interviewed.

Table A.14.4.

Women's bodyweight as an indicator of their dietary standards

dietary standards	rural areas	towns
considerably underweight	2.9%	4.3%
underweight	10.4%	13.1%
norm (lower limit)	46.4%	44.5%
norm (upper limit)	12.7%	12.1%
overweight	14.4%	14.1%
Obese	13.2%	11.9%

Table A.14.5.

Women's longevity and mortality - 1989-1997

year	rural areas	towns
women's death rate (per 1,000 women)		
1990	10.0	8.7
1997	9.8	8.5
women's mortality at childbirth (number of women per 1000,000 country/town-dwellers)		
1989	0.2	0.1
1996	0.1	0.1
women's life expectancy (years)		
1989	76.1	75.1
1997	77.3	76.8

Table A.14.6.

Live births and infant mortality in 1990-1997 (per 1,000 people)

years	live births	infant mortality
	Towns	
1990	12.6%	19.1%
1997	9.3%	10.5%
	rural areas	
1990	17.2%	19.7%
1997	12.9%	9.7%

Table A.14.7.

Population changes in 1990-1997 (per 1,000 people)

years	marriages	divorces	natural growth	live births
towns				
1990	6.1	1.5	3.0	12.6
1997	5.1	1.5	0.0	9.3
rural areas				
1990	7.7	0.5	6.0	17.2
1997	5.6	0.5	2.2	12.9